OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF MARCH 28, 2014

(Published April 5, 2014, in *Finance and Commerce*)

Council President Johnson called the meeting to order at 9:30 a.m. in the Council Chamber, a quorum being present.

Present - Council Members Kevin Reich, Cam Gordon, Jacob Frey, Blong Yang, Abdi Warsame, Lisa Goodman, Elizabeth Glidden, Alondra Cano, Lisa Bender, Andrew Johnson, Linea Palmisano, President Barbara Johnson.

Absent – Council Member John Quincy.

On motion by B. Johnson, seconded, the agenda was amended to include a Resolution proclaiming April 2014 as Parkinson's Disease Awareness Month throughout the City of Minneapolis.

On motion by Glidden, seconded, the agenda, as amended, was adopted.

On motion by Glidden, seconded, the minutes of the regular meeting of March 7, 2014 were adopted.

On motion by Glidden, seconded, the petitions, communications, and reports of the City officers were referred to the proper Council committees and departments.

The following reports were signed by Mayor Betsy Hodges on March 31, 2014. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the office of the City Clerk.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

COW – Your Committee having approved the proposed vision, values, goals and strategic direction of the City of Minneapolis for 2014-17, now recommends that staff from the City Coordinator's office be directed to:

a) Develop measures for Minneapolis' adopted Values, Goals and Strategic Directions and report at least annually to the Committee of the Whole or other appropriate reporting committee on goal progress;

- b) Annually review and, if necessary, propose revised strategic directions to the City Council and Mayor;
- c) Seek stakeholder and community perspective on measures to be developed for Values, Goals and Strategic Directions;
- d) Seek stakeholder and community perspective on progress made on strategic directions as reported at least annually;
- e) Provide support to City Council, Mayor, and Department Heads in developing a definition for the value "equity" and other key terms as necessary;
- f) Provide support, together with the City Clerk and relevant Department Heads, to Council Committees and their chairs to develop Committee work plans, which may be periodically refreshed; and
- g) Propose options for creation of a Racial Equity Action Plan, utilizing as examples the city's Climate Action Plan and other city plan documents, that sets a baseline for measurement, includes goals and timelines, references existing city policies and programs that support the goals, recommends new policies and programs for consideration and is developed in cooperation with a range of engaged stakeholders; report to Committee of the Whole in three cycles with a proposed process for developing a Racial Equity Action Plan.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

The COMMUNITY DEVELOPMENT & REGULATORY SERVICES Committee submitted the following reports:

CD&RS – Your Committee, having under consideration the issuance of revenue bonds for the Schafer Richardson proposal for historic rehabilitation of the Cameron building, 756 N 4th St, now recommends passage of Resolution 2014R-096 giving preliminary approval to the issuance of up to \$7.5 million in Tax-Exempt Multi-Family Housing Entitlement Revenue Bonds for said project.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-096 By Goodman

Approving a housing finance program for a multifamily housing development at 756 N 4th St, Minneapolis, and preliminarily approving the issuance of housing revenue bonds.

Whereas, pursuant to Minnesota Statutes, Chapter 462C (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to carry out programs to finance multifamily housing designed to be affordable to persons of low and moderate income; and

Whereas, Schafer Richardson, Inc. ("Developer") has proposed that the City issue its multifamily housing revenue obligations an aggregate principal amount of approximately \$7,500,000 (the "Bonds") and loan the proceeds to Cameron Building, LP a Minnesota limited partnership in which the General Partner is Cameron GP, LLC, a Minnesota limited liability company (the "Owner"), to finance the acquisition and construction of the portion of a 44-unit multifamily housing development (the "Project") pursuant to a Housing Finance Program in substantially the form set forth in Exhibit A (the "Program") contained in the Community Planning and Economic Development report (Petn No 277100); and

Whereas, the Project is to be located at 756 N. 4th Street in the City, and is designed to be affordable to low and moderate income persons as required under the Act and Minnesota Statutes, Section 474A.047; and

Whereas, on March 18, 2014 the Community Development Committee of the City Council conducted a public hearing regarding the Program, as required by the Act, and regarding the issuance of the Bonds, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, for which not fewer than fifteen day's notice was duly published in a newspaper of general circulation in the City; and

Whereas, a copy of the Program was provided to the Metropolitan Council at or prior to the date notice of the public hearing was published;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

- 1. The City hereby approves the Program in substantially the form attached hereto and gives preliminary approval to the issuance of the Bonds to finance the Project. The officers and staff of the City are authorized to take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws or regulations.
- 2. On the basis of information available to the City Council, it appears, and the City Council hereby finds, that the project constitutes a multifamily rental housing development and furthers the purposes of the Act; that the Project is designed for rental by low and moderate income persons and families; that the availability of financing under the Act and the willingness of the Issuer to furnish such financing will be a substantial inducement to the Owner to develop and operate the Project, and that the effect of financing the Project, if undertaken, will be to promote the availability of adequate affordable housing to low and moderate income residents of the City.
- 3. Any and all costs incurred by the City in connection with the financing of the Project, whether or not the proposed financing of the Project is carried to completion and whether or not the issuance of Bonds is approved by the Issuer, will be paid by the Owner.
- 4. Nothing in this resolution shall be construed to require the City to approve any element of the Project or the issuance of the Bonds, nor shall this resolution be construed as vesting in the Owner any cause of action against the City arising from any failure or refusal by the City to approve the issuance of the Bonds.
- 5. Nothing in this resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the financing of the Project or the payment of the Bonds other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the

City be subject to any direct liability thereon. The holder of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereon against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Bonds shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory provision.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

CD&RS – Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, amending Section 244.1840(3) by adding language to include an additional duty for rental license holders to respond to inquiries by City staff in the referenced City departments, now recommends that Ordinance 2014-Or-011 be given its second reading for amendment and passage.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-011
By B. Johnson and Goodman
Intro & 1st Reading: 2/7/2014
Ref to: CD&RS
2nd Reading: 3/28/2014

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

That Section 244.1840 (3) of the above-entitled ordinance be amended to read as follows:

244.1840. Application for license.

(3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above. The phone number herein required shall be of a phone number that shall be normally answerable twenty-four (24) hours a day, seven (7) days a week, not subject to normal business hours. The owner of the property or the person designated as the person responsible for the maintenance and management of the premises, whether that person is also the owner of the property or a designee of the owner, shall be required to respond to inquiries from the department of regulatory services, the police department or the environmental health division of the

Minneapolis Health Department within a reasonable period of time. The duty imposed by this subsection to respond to inquiries shall include a duty to attend an in-person meeting when reasonably scheduled by an employee of the departments referenced herein. Failure to respond in a reasonable period of time may lead to adverse license action pursuant to Section 244.1910(19) of this Code.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The ordinance was adopted.

CD&RS – Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, amending Section 244.275 relating to tenant notification of environmental contamination testing, abatement removal or remediation in designated sites, now recommends that Ordinance 2014-Or-012 be given its second reading for amendment and passage.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-012
By Gordon and Goodman
Intro & 1st Reading: 2/7/2014
Ref to: CD&RS
2nd Reading: 3/28/2014

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

That Section 244.275 of the above-entitled ordinance be amended to read as follows:

- 244.275. Tenant to be notified of arsenic environmental contamination testing, removal abatement, removal and or remediation in South Minneapolis Neighborhood Soil Contamination Site designated sites. (a) For the purpose of this section, the "South Minneapolis Neighborhood Soil Contamination Site" a "designated site" shall mean the a defined area of South the City of Minneapolis that has been or shall in the future be designated by the United States Environmental Protection Agency, the Minnesota Pollution Control Agency, or other related or appropriate governmental agency for testing, removal abatement, removal and/or remediation of arsenic environmental contamination from residential properties.
- (b) Upon the establishment of any qualifying designated site, the director of regulatory services or the director's designee shall provide written notice to any person holding a license issued pursuant this Title of the establishment of the designated site and the duties and requirements imposed pursuant to this section. Any person allowing to be occupied or letting or offering to let to another for occupancy any dwelling unit located in the South Minneapolis Neighborhood Soil Contamination Site a designated site area shall provide to the tenant or lessee copies of all written or electronic information received from the United States Environmental Protection Agency (USEPA), the Minnesota Pollution Control Agency (MPCA), or any other identified governmental agency or its their agents or contractors concerning arsenic environmental contamination testing results, and any associated abatement, removal or remediation activities pertaining to the leased premises.

Additionally, any such person shall facilitate, cooperate with and permit the USEPA, the MPCA, or any other identified governmental agency or its their agents or contractors to perform any lawful testing, cleanup, abatement, removal or remediation activities at such property as deemed reasonable and necessary by the USEPA, the MPCA or any other identified governmental agency. Violation of this section shall constitute good cause for adverse license action pursuant to section 244.1910 or as appropriate.

- (c) Information regarding environmental testing, <u>abatement</u>, removal <u>and or</u> remediation required to be provided under this section shall be provided to the tenant or lessee at each of the following times:
- (1) Within <u>any reasonable time specified in any notification from the director of regulatory services or the director's designee</u> thirty (30) days after the effective date of this section;
- (2) Within thirty (30) days of receiving new information from the USEPA, the MPCA, or other identified governmental agency or its their agents or contractors; and
- (3) Prior to signing a lease for the premises or prior to agreement upon a tenancy, if no lease is provided.
- (d) The property owner or the owner's representative shall retain an <u>arsenic environmental contamination</u> notification advisory in a format prescribed by the City of Minneapolis, stating that the property owner has complied with all notification requirements under this section, the dates of compliance, and the signature of the tenant or lessee attesting to compliance. If there is a contract or lease for the tenancy, the <u>arsenic</u> notification advisory must be attached thereto.
- (1) The property owner shall provide a copy of the Arsenic Notification Advisory environmental contamination notification advisory to the department of inspections regulatory services upon request of the director of inspections regulatory services or their the director's designee.
- (e) Within ninety (90) days of the date of the last Environmental Protection Agency cleanup in the South Minneapolis Soil Contamination Site, the Environmental Services Division of the Minneapolis Health Department will develop a recommendation on whether to sunset or alter this section.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The ordinance was adopted.

CD&RS – Your Committee recommends approval of the Department of Licenses and Consumer Services Agenda recommendations granting applications for Liquor, Business and Gambling licenses as set forth in Petition No 277101 on file in the office of the City Clerk, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

Approved by Mayor Betsy Hodges 3/31/2014.

(Published 4/1/2014)

CD&RS - Your Committee recommends passage of Resolution 2014R-097 approving Business License Operating Conditions relating to the Taxicab Driver License held by James Nels Huseby, 2419 Grand St NE, Minneapolis.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-097 By Goodman

Approving Business License Operating Conditions relating to the Taxicab Driver License held by James Nels Huseby, 2419 Grand St NE, Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Taxicab Driver License held by James Nels Huseby:

- 1. The licensee, James Husbey, shall make no more than one phone call in a 24-hour period to any City of Minneapolis employee, department or other representative. The licensee further agrees to comply with a previous request from elected officials to cease and desist calling them or their staff. All communication to elected officials from the licensee shall only be submitted through writing.
- 2. The licensee, James Huseby, agrees that if he in any way violates condition 1, he will immediately voluntarily surrender his Minneapolis Taxi Driver's License to the City for a period of 12 months.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

CD&RS – Your Committee, having under consideration small business loan program partnership contracts, now recommends that the proper City officers be authorized to execute a contract for \$50,000 to extend the partnership with the Metropolitan Consortium of Community Developers in 2014; and to execute a contract for \$40,000 to extend the partnership with the African Development Center in 2014.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1) The report was adopted.

CD&RS – Your Committee, having under consideration the Downtown East Block 1 development rights designation (Block 1, 728 S 4th St), now recommends that Ryan Companies be designated as the developer of the Block 1 Liner Parcel and Air Rights Plane, and that the proper City officers be authorized to negotiate redevelopment contract terms, subject to City Council review and approval.

Your Committee further recommends that although Section 422.190 of the Minneapolis Code of Ordinances does not apply to the proposed project, because the City will not retain a proprietary interest in the project, the City strongly encourages Ryan Companies' hotel operator to negotiate a labor peace agreement with the applicable labor organization(s) in the spirit of Section 422.190.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Name (0)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

The COMMUNITY DEVELOPMENT & REGULATORY SERVICES AND WAYS & MEANS Committees submitted the following reports:

CD&RS & W&M — Your Committee, having under consideration receipt of 2013 Metropolitan Council grant awards, now recommends that the proper City officers be authorized to accept and appropriate Livable Communities Demonstration Account (LCDA) grants of \$1,000,000 for the Commons at Penn Project; \$1,000,000 for the Hawthorne Eco Village project; and \$750,000 for the Mozaic Phase II project; and to accept and appropriate LCDA — Transportation Oriented Development grants of \$1,000,000 to the 4th Street Infrastructure/Boeser project; and \$1,045,000 to the Anishinabe Bii Gii Wiin project and to execute such agreements as may be necessary or desirable to implement the LCDA and LCDA-TOD grants with the Metropolitan Council, Building Blocks Non Profit, Project for Pride in Living, Ackerberg Group and Cornerstone Group (or affiliated entities).

Your Committee further recommends passage of Resolution 2014R-098 increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-098 By Goodman and Quincy

Amending the 2014 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900220) by \$4,795,000, and increasing the revenue budget (01600-8900900-321513) by \$4,795,000.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report and resolution were adopted.

CD&RS & W&M – Your Committee, having under consideration the Small Business Revolving Loan Programs, now recommends that the proper City officers be authorized to write-off a 2% loan made to Kuu Ruay LLC, d/b/a Koyi Sushi Too, with the remaining balance of \$53,331.51, as uncollectable.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

CD&RS & W&M — Your Committee, having under consideration Minneapolis Homeless Street Outreach funding recommendations, now recommends approval of up to \$300,000 of funding for St. Stephens Human Services, Inc.'s homeless outreach programming, with \$150,000 payable from Fiscal Year 2014 Emergency Solutions Grant funds and \$150,000 payable from the City's General Fund.

Further, that the proper City officers be authorized to execute necessary contracts with the organization receiving homeless outreach funding awards.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1) The report was adopted.

The ELECTIONS & RULES Committee submitted the following reports:

E&R - Your Committee recommends approval of the appointment of election judges to serve in precincts (polling places), health care facilities, and as members constituting the City's Absentee Ballot Board in order to conduct the Hennepin County Special Election to fill the County Commissioner District 3 vacancy, in accordance with Minnesota Statutes 204B.21, Subd. 2; and Chapter 2, Section 6 of the Minneapolis City Charter. (Petn 277106)

Your Committee further recommends that the Assistant City Clerk/Director of Elections & Voter Services be authorized to appoint additional election judges if required to assure sufficient staffing for all polling places.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

E&R - Your Committee, having received and filed the report from the City Clerk entitled *The 2013 Municipal Election: An Analysis & Recommendations*, now recommends that staff be directed to return to the Elections & Rules Committee with the following proposed ordinance amendments:

- a) Clarifying the definition of "tabulation center"; and
- b) Amending the process of mathematical elimination to account for greater availability of vote data and the use of automated ballot tabulators.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1) The report was adopted.

The HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT Committee submitted the following reports:

HE&CE - Your Committee, having under consideration the Executive Committee's reappointment of Gretchen Musicant to the appointed position of Commissioner of Health/Director of Department of Health for a two-year term beginning January 2, 2014, and having conducted a public hearing on the same, now recommends approval of said reappointment.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1) The report was adopted.

HE&CE - Your Committee recommends passage of Resolution 2014R-099 appointing, reappointing, and correcting clerical errors to the membership of the Minneapolis Public Health Advisory Committee.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-099 By Gordon

Resolved by The City Council of The City of Minneapolis:

That the following appointments, reappointments, and corrections of clerical errors be made to the membership of the Minneapolis Public Health Advisory Committee:

Appointee Name and Category if any	Appointed by Mayor or Council	Ward Home= H Work= W	Term Number of years	Term Beginning/ Ending	Name, Expiration Date Complete only if replacing or fulfilling the term of another member.
Saeng Kue, Ward 4	Council	H = 4	2	01/01/2013- 12/31/2014	
Karen Soderberg, Ward 7	Council	H = 7	2	01/01/2013- 12/31/2014	
Dr. Rebecca Thoman, Ward 13	Council	H = 13	2	01/01/2013- 12/31/2014	

Linda Brandt – Hennepin County Human Services and Public Health	Approved by Council	H = 2	2	01/01/2013- 12/31/2014	
Corrections					
Tara Jenson, Ward 5	Council	H = 5	2	01/01/2013- 12/31/2014	Correction to previous term and appointment to current term
Dr. Happy Reynolds- Cook, Ward 6	Council	H = 6	2	01/01/2013- 12/31/2014	Correction to previous term and appointment to current term
Abdullahi Sheikh, Ward 8	Council	H = 8	3	01/01/2012- 12/31/2013	Correction to previous term
Joseph Colianni, At Large	Approved by Council	H = 3	1	Immediately (from 12/12/2013) through 12/31/2014	Spelling correction of name: from Colliani to Colianni

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

HE&CE - Your Committee recommends that the proper City officers be authorized to enter into a five year Affiliation Agreement with the University of Minnesota through its Family Medicine Residency Program to provide a medical rotation site through the School Based Clinic Program.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

HE&CE - Your Committee recommends passage of Resolution 2014R-100 supporting Earth Hour 2014.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-100 By Gordon

Supporting Earth Hour 2014.

Whereas, our Minneapolis community is deeply concerned about the impacts of climate change and the future health and well-being of our planet and believes energy efficiency, natural resource conservation, and a demand by the voting public for action by elected officials are important elements to combat climate change; and

Whereas, Earth Hour is both an international and local symbolic event organized by World Wildlife Fund to raise awareness about climate change issues, to encourage businesses, individuals and government to take actions to reduce their carbon emissions and their impact on the environment in their daily lives and operations; and

Whereas, Earth Hour invites individuals, businesses, governments and communities to turn off all non-essential lighting for one hour on Saturday, March 29, 2014 at 8:30 p.m. to show their support for environmentally sustainable action; and

Whereas, 42% of greenhouse gas emissions in Minneapolis came from electricity in 2012; and

Whereas, the City of Minneapolis has a target to reduce city-wide carbon emissions 15% by 2015 and 30% by 2025, using 2006 as a baseline; and

Whereas, the Minneapolis Climate Action Plan, adopted in June of 2013, provides a roadmap for reducing city-wide greenhouse gas emissions; and

Whereas, Saturday, March 29, 2014 from 8:30 p.m. to 9:30 p.m. has been designated international Earth Hour; and

Whereas, cities and states across the country are joining to raise awareness and demonstrate our nation's commitment to fighting climate change by supporting Earth Hour;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That on March 29, 2014 from 8:30 p.m. to 9:30 p.m. the City will participate in Earth Hour by turning off all uses of electricity in municipal buildings not required for life, safety, or operations and will turn off the decorative lighting on the Stone Arch Bridge and the City Hall Clock Tower in order to conserve energy and raise awareness about global climate change.

Be It Further Resolved that residents of Minneapolis are encouraged to participate in Earth Hour and reduce their energy usage during every hour of the year.

Be It Further Resolved that we encourage all Minneapolis businesses to participate in Earth Hour.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

The HEALTH, ENVIORONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS Committees submitted the following report:

HE&CE & W&M - Your Committee, having under consideration an application for a three year grant from the Centers for Disease Control and Prevention (CDC) to develop multi-sector partnerships to promote sexual health, advance community wellness, influence sexual health behavior and practices, and reduce STD disparities, beginning September 1, 2014, now recommends:

HE&CE - That the proper City officers be authorized to apply for said grant in an amount not to exceed \$750,000.

W&M - That the proper City officers be authorized to apply for said grant in an amount not to exceed \$1,050,000, due to an increase in the maximum grant amount available.

On motion by Gordon, seconded, the report was amended to approve the Ways & Means Committee recommendation and to delete the Health, Environment & Community Engagement recommendation.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report, as amended, was adopted.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee recommends that the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be amended by inserting at the beginning of the Policy Initiative Section, the following language:

Federal Role in Affordable and Workforce Housing

The City of Minneapolis encourages the federal government to maintain and increase current funding levels as well as maintaining and possibly expanding tax expenditures to support affordable and workforce housing. Federal funding and tax expenditures play a critical role in aiding states and local governments in their efforts to maintain and increase affordable and workforce housing. Providing households access to affordable rental and owner occupied housing is an important piece to the economic vitality of the state and nation.

The City of Minneapolis recommends that Congress:

- preserve and increase funding for the Community Development Block Grant Program and the federal HOME program, which are catalysts for creating more affordable housing;
- provide resources to sustain existing public housing units;
- maintain and increase resources for rental assistance programs:
- direct (encourage) the Federal Housing Finance Agency to provide funding to the National Housing Trust Fund and Capital Magnet Fund for low income rental housing;
- ensure that home ownership is available and affordable to all eligible households:
- maintain and enhance federal tax code provisions related to housing tax credits, and tax exempt bonds; and
- support federal tax code changes including the mortgage interest tax deduction, in whole or in part, to a tax credit and reducing the maximum home mortgage so that the code changes are structured to assist first time and moderate income households in affording a home and providing funding for the National Housing Trust Fund.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT Committee submitted the following reports:

PSCR&EM – Your Committee, having under consideration the Executive Committee's reappointment of John Fruetel to the appointed position of Fire Chief for a two-year term beginning January 2, 2014, and having conducted a public hearing on the same, now recommends approval of said reappointment.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

PSCR&EM – Your Committee, having under consideration the Executive Committee's reappointment of Velma Korbel to the appointed position of Director of the Department of Civil Rights for a two-year term beginning January 2, 2014, and having conducted a public hearing on the same, now recommends approval of said reappointment.

A. Johnson moved, seconded, that the report be postponed; that motion lost.

On roll call, the result was:

Ayes: Reich, Gordon, Warsame, Goodman, Glidden, Cano, Bender, Palmisano, President Johnson

Noes: Frey, Yang, A. Johnson (3)

Absent: Quincy (1)

The report was adopted.

On motion by Gordon, seconded, the City Coordinator was directed to:

- a) Consult with AFSCME representatives to consider the reinstatement or creation of a new Civil Rights Department labor management committee.
- b) To work with the Mayor's Office, the Civil Rights Director, and, if deemed appropriate, outside management consulting services to evaluate and, as warranted, improve management practices in the Civil Rights Department related to employee satisfaction and maintaining a healthy workplace environment.
- c) Report back to the Executive Committee on the status of these efforts by July 1, 2014.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Executive Committee's reappointment of Steve Kotke to the appointed position of City Engineer/Director of Public Works for a two-year term beginning January 2, 2014, and having conducted a public hearing on the same, now recommends approval of said reappointment.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

T&PW - Your Committee, to whom was referred an ordinance amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: In General, amending Section 427.10 to allow certain types of vegetation to be grown within boulevards, incorporating safety parameters, and granting the Department of Regulatory Services authority to enforce violations pursuant to established administrative processes, and having held a public hearing thereon, now recommends that Ordinance 2014-Or-013 be given its second reading for amendment and passage.

The following is the complete text of the unpublished summarized ordinance:

ORDINANCE 2014-Or-013
By Glidden
Intro & 1st Reading: 2/21/2014
Ref to: T&PW
2nd Reading: 3/28/2014

Amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: In General.

Section 1. That Section 427.10 of the above-entitled ordinance be amended to read as follows:

- **427.10. Boulevards**. (a) *Purpose.* It is the purpose and intent of the City of Minneapolis that boulevards be constructed and maintained to enhance and improve the aesthetic appearance of city streets and highways as an aid to maintaining the quality and livability of the residential neighborhoods of the city.
- (b) *Definitions*. That part of all streets and avenues lying between the sidewalk and the property line and between the sidewalk and the roadway, <u>or when no sidewalk exists</u>, <u>between the roadway</u> and the property line, shall be known and designated as "boulevards".

That part of a boulevard lying between the sidewalk and the roadway which operates as a linear extension of a walkway extending from a building entrance to such sidewalk shall be known and designated as a "boulevard walk."

- (c) Vegetation. Except for flowers, grass and trees as provided herein, the growing or planting of any weed or similar noxious plant, vegetables, fruits, hedges, shrubs or other type of vegetation on any boulevard is prohibited, unless a permit for such is issued by the city.
- (1) Flowers <u>and grass</u> permitted. Flowers <u>and grass</u> grown on that part of any boulevard between the sidewalk and the roadway are allowed without a permit from the city, provided that they shall not exceed thirty-six (36) inches in height, and flowers grown within twenty (20) feet of an intersection, alley or driveway approach, or five (5) feet of any public utility fixture shall not exceed eighteen (18) inches in height not violate any other provision of this Code, including sections 227.90 and 244.1580 which shall be deemed to apply by reference.
- (2) Grass and trees permitted. The growing of grass in compliance with section 227.90 of this Code and trees in compliance with Chapter 10 of the Park and Recreation Board Code of Ordinance[s] are allowed without a permit from the city council. Trees. Planting trees in boulevards is allowed only upon obtaining a permit as required by Chapter 10 of the Park and Recreation Board Code of Ordinances.
- (d) Boulevard walks. No person shall construct or place any boulevard walk upon any boulevard without first obtaining the permit required by <u>section 437.20</u> of this Code. Such boulevard walk shall be constructed of concrete, or of brick or other suitable material if approved by the city engineer. In no event shall the boulevard walk exceed six (6) feet in width or be constructed of blacktop, asphalt or similar material.

(e) Paving permit required. Other than such boulevard walk, no person shall pave over or cover any boulevard unless a permit has been granted by the city council upon a finding that paving or covering the boulevard will not have a substantially negative impact on the aesthetic appearance of adjacent residential properties.

The city engineer shall process and forward all applications for such permit to the appropriate committee of the city council and recommend determine whether the permit should be granted. In no event shall any person use blacktop, asphalt or any similar material to pave over or cover any portion of the boulevard.

- (f) Compliance requirements. The city engineer shall have the authority to investigate the status of all existing boulevards in all zoning districts of the city and determine which boulevards and/or boulevard walks do not comply with this Ordinance. For any property determined to be in violation, the city engineer or his or her designee shall communicate such information to the city's inspections department. The inspections department shall then enforce compliance with this section in the same procedural manner provided at section 227.100 et. seq. affected property owner who shall then bring such boulevards and/or boulevard walks into compliance. Appeals from the determination of the city engineer shall be by application to the city council. Once such determination is final, upon failure to comply, the city engineer shall effect compliance and assess the reasonable costs thereof against the property as provided in Charter Chapter 8.
- (1) Property owners in violation of section (c) above shall have ten (10) days to bring such boulevard into compliance.
- (2) Property owners in violation of sections (d) and (e) above shall have sixty (60) days to bring boulevards and boulevard walks into compliance.
- (g) *Exemptions*. Property used for nonresidential educational purposes is exempt from the provisions of this Ordinance to the extent that properly designated and constructed vehicle loading areas are created on the boulevard adjacent to such property.

Bicycle and/or pedestrian paths constructed by the city or the park board are exempt from the provisions of this Ordinance.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The ordinance was adopted.

T&PW - Your Committee recommends passage of Resolution 2014R-101 designating the locations and streets to be improved in the 2014 Street Resurfacing Program, 4th Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5266.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-101 By Reich

2014 STREET RESURFACING PROGRAM
4TH AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5266

Designating the improvement of certain existing streets in the 2014 Street Resurfacing Program, 4th Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5266 at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

4th Ave S from 10th Ave S to 15th St E.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW - Your Committee, having received a cost estimate of \$136,483 for street resurfacing improvements and a list of benefited properties for certain locations in the 4th Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5266, as designated by Resolution 2014R-101 passed March 28, 2014, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2014 Uniform Assessment Rates as per Resolution 2013R-509, passed November 12, 2013.

Your Committee further recommends that a public hearing be held on May 13, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

T&PW - Your Committee recommends passage of Resolution 2014R-102 designating the locations and streets to be improved in the 2014 Street Resurfacing Program, Hay Northwest, Franklin Hall and Lyn Park Area Street Resurfacing Project, Special Improvement of Existing Street No 5264.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-102 By Reich

2014 STREET RESURFACING PROGRAM
HAY NORTHWEST, FRANKLIN HALL AND LYN PARK AREA
STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5264

Designating the improvement of certain existing streets in the 2014 Street Resurfacing Program, Hay Northwest, Franklin Hall and Lyn Park Area Street Resurfacing Project, Special Improvement of Existing Street No 5264 at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Hay Northwest Area

18th Ave N from Xerxes Ave N to Vincent Ave N

14th, 16th and 17th Aves N from Xerxes Ave N to Penn Ave N

Queen, Russell, Sheridan, Thomas, Upton, and Vincent Aves N from Plymouth Ave N to Golden Valley Rd; and Washburn Ave N from Plymouth Ave N to 17th Ave N.

Franklin Hall and Lyn Park Area

18th Ave N from Bryant Ave N to 4th St N
Givens Ln, Elizabeth Ln, Prentice Ln and Van White Ln
4th St N from 18th Ave N to its terminus north of 18th Ave N
Lyn Park Circle N, Lyn Park Ave N, Lyn Park Ln N and Lyn Curve Ave N
Hall Ln, Hall Curve, and Harry Davis Ln
14th Ave N from Lyndale Ave N to Hall Curve.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW - Your Committee, having received a cost estimate of \$1,447,744 for street resurfacing improvements and a list of benefited properties for certain locations in the Hay Northwest, Franklin Hall and Lyn Park Area Street Resurfacing Project, Special Improvement of Existing Street No 5264, as designated by Resolution 2014R-102 passed March 28, 2014, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2014 Uniform Assessment Rates as per Resolution 2013R-509, passed November 12, 2013.

Your Committee further recommends that a public hearing be held on May 13, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

T&PW - Your Committee recommends passage Resolution 2014R-103 designating the locations and streets to be improved in the 2014 Street Resurfacing Program, LaSalle Ave Street Resurfacing Project (Grant St to 12th St S), Special Improvement of Existing Street No 2228.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-103 By Reich

LASALLE AVE STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2228

Designating the improvement of certain existing streets in the LaSalle Ave Street Resurfacing Project, Special Improvement of Existing Street No 2228 at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

LaSalle Ave from Grant St to 12th St S.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW - Your Committee, having received a cost estimate of \$200,000 for street resurfacing improvements and a list of benefited properties for the LaSalle Ave (Grant St to 12th St S) Street Resurfacing Project, Special Improvement of Existing Street No 2228, as designated by Resolution 2014R-103 passed March 28, 2014, now recommends that the City Engineer be directed to prepare proposed Street Reconstruction Special Improvement Assessments against the list of benefited properties by applying the 2014 Uniform Assessment Rates as per Resolution 2013R-509, passed November 12, 2013.

Your Committee further recommends that a public hearing be held on May 13, 2014, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1) The report was adopted.

T&PW - Your Committee recommends passage of Resolution 2014R-104 designating the locations and streets to be improved in the 2014 Street Reconstruction Program, LaSalle Ave Street Reconstruction Project (12th St S to 8th St S), Special Improvement of Existing Street No 2227.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-104 By Reich

LASALLE AVE STREET RECONSTRUCTION PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2227

Designating the improvement of certain existing streets in the LaSalle Ave Street Reconstruction Project, Special Improvement of Existing Street No 2227 at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

LaSalle Ave from 12th St S to 8th St S.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW - Your Committee, having received a cost estimate of \$5,200,000 for street construction improvements and a list of benefited properties for the LaSalle Ave (12th St S to 8th St S) Street Reconstruction Project, Special Improvement of Existing Street No 2227, as designated by Resolution 2014R-104 passed March 28, 2014, now recommends that the City Engineer be directed to prepare proposed Street Reconstruction Special Improvement Assessments against the list of benefited properties by applying the 2014 Uniform Assessment Rates as per Resolution 2013R-509, passed November 12, 2013.

Your Committee further recommends that a public hearing be held on May 13, 2014, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the reconstruction of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

T&PW - Your Committee recommends that the proper City officers be authorized to amend Contract No C-36634 with Meyer Contracting, Inc., increasing the contract by \$3,648.43, for a revised contract total of \$1,305,281.78, to address final negotiated costs for work completed in the Penn Ave Street Reconstruction Project Phase 1. No additional appropriation required.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

T&PW - Your Committee, having under consideration the replacement of the St. Anthony Pkwy Bridge over the Burlington Northern Santa Fe (BNSF) Northtown Rail Yard and the realignment of Main St NE and California St NE in conjunction with the project, now recommends passage of Resolutions 2014R-105, 2014R-106, 2014R-107, and 2014R-108 authorizing the purchase of fee parcels and the acquisition of temporary easements to facilitate the realigned roadway and construction activities.

Your Committee further recommends that the proper City officers be authorized to execute an access agreement with the Minneapolis Park and Recreation Board (MPRB) to allow for project-related construction activities on MPRB road right-of-way.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-105 By Reich

Approving Temporary Construction Easement and Agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 2.

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-426, "Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds"; and

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-427, "Request to issue and sell bonds for 2000 Capital Program"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-580, "Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-582 and its Resolution No 2004R-583, "Request to issue and sell bonds for 2005 Capital Program"; and

Whereas, on May 5, 2007, the City Council authorized submission of an application for federal funds for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA LU) for the St. Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements; and

Whereas, on April 24, 2009, the City Council authorized the proper City officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-331, "Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council"; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-333 and its Resolution No 2010R-334, "Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No SG-2009-072"; and

Whereas, on March 7, 2013, the City Council authorized a request for proposal for engineering service; and

Whereas, on July 19, 2013, the City Council authorized execution of a contract with Short Elliott Hendrickson, Inc. for design services and authorized signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act; and

Whereas, on November 12, 2013, the City Council adopted a resolution authorizing acquisition through negotiations or condemnation of temporary construction easements and permanent easements across parcels therein for transportation-related purposes; and

Whereas, on February 25, 2014, the City Council adopted its Resolution No 2014R-085 Project Designation, Bridge Type and Project Layout Approval, approving the project layout for construction of a new St. Anthony Parkway Bridge over the BNSF Northtown Yard; and

Whereas, agents on behalf of the City have negotiated a proposed agreement with G&G Real Estate, LLC, fee owner of the real estate at 81 St. Anthony Parkway, which is described in Exhibit A attached hereto, under which G&G Real Estate, LLC will grant the City a temporary easement containing 5,482 square feet for the St. Anthony Parkway Bridge Project for compensation in the amount of \$3,000.00; and

Whereas, the proposed settlement amount to be paid to the owner is consistent with the opinion of damages expressed by an independent real estate appraiser retained by the City, whose appraisal report was provided to the owner in the course of negotiations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of this proposed easement and agreement by the City Attorney and outside counsel retained by the City and execution and delivery of the easement on behalf of G&G Real Estate, LLC, the City Contracting Officer is authorized to execute the easement and agreement on behalf of the City and to pay G&G Real Estate, LLC, the amount described in the agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT AND AGREEMENT

	THIS TEMPORARY	CONSTRUCTION EASEMENT AND AGREEMENT, made t	his
day of		_, 2014, by and between G & G Real Estate, LLC, a Minneso	ta limited
liability	company, Grantor, ar	nd the City of Minneapolis, a Minnesota municipal corporation,	Grantee.

Recitals

1. <u>Legal Description of Property</u>. Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

Parcel 1:

A parcel of land comprising parts of Lots 6 and 7, Auditor's Subdivision No. 35, Hennepin Co., Minn according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota. described as follows: Beginning at a point in the North line of St. Anthony Boulevard, formerly 33rd Avenue Northeast, distant 580 feet Easterly measured along the North line of said St. Anthony Boulevard, from the West line of said Lot 7; thence from said point of beginning Northerly parallel with the West line of said Lots 7 and 6 a distance of 373.8 feet to a point; thence Easterly along a line running parallel with the North line of said St. Anthony Boulevard to the intersection with Line A (described below), thence continuing along said line A to the North line of St. Anthony Boulevard; thence West along the North line of said St. Anthony Boulevard to the point of beginning.

Line A herein being described as beginning at a point in the North line of St. Anthony Boulevard (formerly 33rd Avenue Northeast) in the City of Minneapolis, Hennepin County, Minnesota, distant 250 feet East measured along said North line of said St. Anthony Boulevard from the West line of said Lot 7; thence North along a line which is parallel to the West line of said Lots 7 and 6 a distance of 493.8 feet; being the point of beginning of said line; thence East along a line which is parallel to said North line of St. Anthony Boulevard a distance of 233.4 feet to a point; thence Southeasterly along a curved line to the right a distance of 342.9 feet, said curve having a radius of 319.62 feet and said radius of said curve at its most Westerly terminus being at right angles with the straight line last above described; thence continuing Southeasterly in a straight line at right angles with the radius of said curve at its most Southerly terminus and parallel with said Northeasterly line of said Lot 6 to the North line of said St. Anthony Boulevard and there terminating.

Parcel 2:

All that part of Lot 6, Auditor's Subdivision No. 35, Hennepin Co., Minn., bounded and described as follows: Commencing at a point in the North line of St. Anthony Boulevard, formerly 33rd Avenue Northeast, distant 250 feet East, measured along the North line of said St. Anthony Boulevard, from the West line of Lot 7, in said Auditor's Subdivision No. 35; thence Northerly along a line parallel with the West line of said Lots 7 and 6 a distance of 373.8 feet to the actual point of beginning of the tract of land herein described; thence continuing Northerly along the last mentioned parallel line a distance of 120 feet; thence Easterly along a line parallel with said North line of St. Anthony Boulevard for a distance of 233.4 feet; thence Southeasterly on a tangential curve to the right having a radius of 319.62 feet to a point of intersection with a line running parallel with said North line of St. Anthony Boulevard through the point of beginning, thence Westerly along the last mentioned parallel

line to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

Parcel 3:

That part of Lots 6 and 7, Auditor's Subdivision No. 35, Hennepin Co., Minn., described as follows: Beginning at a point in the North line of St. Anthony Boulevard (formerly 33rd Avenue Northeast) distant 250 feet Easterly measured along the North line of said St. Anthony Boulevard from the West line of said Lot 7; thence from said point of beginning Northerly parallel with the West line of said Lots 7 and 6 a distance of 373.8 feet to a point; thence Easterly along a line running parallel with the North line of said St. Anthony Boulevard a distance of 330 feet to a point; thence Southerly along a line running parallel with the West line of said Lots 6 and 7 a distance of 373.8 feet to a point in the North line of said St. Anthony Boulevard; thence Westerly along the North line of said St. Anthony Boulevard a distance of 330 feet to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

Abstract Property

Containing 270,390 square feet (6.21) acres)

P.I.D. No. 03-029-24-14-0009

Street Address-81 St. Anthony Parkway, Minneapolis, MN.

2. Grant of Temporary Easement. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, a temporary construction easement over, under, across and upon that part of the Property which is legally described as follows:

Those parts of Lots 6 and 7, Auditor's Subdivision No. 35, Hennepin Co., Minn., according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the north right-of-way line of St. Anthony Parkway; lying southwesterly of the westerly right-of-way line of the Canadian Pacific Railroad; and lying easterly and southerly of a line described as follows:

Beginning at a point on said north right-of-way line of St. Anthony Parkway, distant 863.31 feet east of the west line of said Lots 6 and 7, as measured along said north right-of-way line; thence northerly, at a right angle to said north right-of-way line, a distance of 100.00 feet; thence easterly, at a right angle to the last described line, to the intersection with said westerly right-of-way line of Canadian Pacific Railroad, and there terminating.

Containing 5,482 square feet

- 3. Rights Within Temporary Easement. Said temporary easement shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.
- **4.** <u>Terms of Temporary Easement</u>. The term of the temporary easement granted herein shall commence on the effective date stated in a written notice from Grantee, which notice is given at least 30 days prior to the effective date stated in said notice, and shall terminate on the date which is 12 months after the effective date stated in the written notice, but in any event shall terminate no later than November 1, 2016.
- **5.** <u>Title</u>. Grantor represents that it is the owner of the Property in fee simple and. that it has the right to grant said easements.
- **6.** Restoration of Property. Prior to the expiration of the temporary easement term, Grantee shall restore the surface of the temporary easement tract in a manner consistent with Grantor's overall use of the Property and landscaping plans.
- **7.** <u>Binding Effect.</u> The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed the day and year first above written.

	GRANTOR:	
	G & G REAL ESTATE, LLC	
	By: Michael G. Zweigbaum Chief Manager	
STATE OF MINNESOTA } COUNTY OF HENNEPIN		
Zweigbaum, the Chief Manager of G & G	ed before me on	
	Notary Public	

THIS INSTRUMENT WAS DRAFTED BY: Kennedy & Graven, Chartered (RJL) 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402 612-337-9300

RESOLUTION 2014R-106 By Reich

Approving Acquisition of Right-of-Way and Temporary Construction Easement and Agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 7.

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-426, "Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds"; and

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-427, "Request to issue and sell bonds for 2000 Capital Program"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-580, "Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-582 and its Resolution No 2004R-583, "Request to issue and sell bonds for 2005 Capital Program"; and

Whereas, on May 5, 2007, the City Council authorized submission of an application for federal funds for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA LU) for the St. Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements; and

Whereas, on April 24, 2009, the City Council authorized proper City officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-331, "Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council"; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-333 and its Resolution No 2010R-334, "Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No SG-2009-072"; and

Whereas, on March 7, 2013, the City Council authorized a request for proposal for engineering service; and

Whereas, on July 19, 2013, the City Council authorized execution of a contract with Short Elliott Hendrickson, Inc. for design services and authorized signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act; and

MARCH 28, 2014

Whereas, on November 12, 2013, the City Council adopted a resolution authorizing acquisition through negotiations or condemnation of right-of-way, temporary construction easements and permanent easements across parcels therein for transportation-related purposes; and

Whereas, on February 25, 2014, the City Council adopted its Resolution No 2014R-085 Project Designation, Bridge Type and Project Layout Approval, approving the project layout for construction of a new St. Anthony Parkway Bridge over the BNSF Northtown Yard; and

Whereas, agents on behalf of the City have negotiated a proposed agreement with EllisSPE22329, LLC, fee owner of the real estate at 211 St. Anthony Parkway, which is described in Exhibit A attached hereto, under which EllisSPE22329, LLC will convey approximately 27,476 square feet of right-of-way to the City in fee simple for an agreed amount of \$185,500 and will grant the City two temporary easements containing a total of 58,990 square feet over other real estate for an agreed amount of \$54,500 for the St. Anthony Parkway Bridge Project for compensation in the total amount of \$240,000.00; and

Whereas, the proposed settlement amount to be paid to the owner is consistent with the opinion of damages expressed by an independent real estate appraiser retained by the City, as modified to reflect additional easement needs of the project and impacts of the project on the remainder of the owner's property, whose appraisal report was provided to the owner in the course of negotiations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of the agreement between the owner and the City and related documents by the City Attorney and outside counsel retained by the City and execution and delivery of the deed and easements on behalf of EllisSPE22329, LLC, the City Contracting Officer is authorized to execute the easements and agreement on behalf of the City and to pay EllisSPE22329, LLC, the amount described in the agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

EXHIBIT A

(Top 3 inches reserved for recording data)

WARRANTY DEED Individual(s) to Business Entity		
eCRV number: []		
DEED TAX DUE: \$f1	DATE: February	. 2014

FOR VALUABLE CONSIDERATION, EllisSPE 22329, LLC, a Minnesota limited liability company ("Grantor"), hereby conveys and warrants to City of Minneapolis, a municipal corporation under the

laws of Minnesota ("Grantee"), real property in Hennepin County, Minnesota, legally described as follows:

All that part of the following described property:

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault St. Marie Railroad Company right of way as created by the Deed recorded in the office of the Register of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 1/2 Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Which lies southwesterly and westerly of the following described line:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter; a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds; thence North 57 degrees 03 minutes 24 seconds West, tangent to said curve, a distance of 80.83 feet; thence northwesterly a distance of 259.55 feet along a tangential curve, concave to the northeast, having a radius of 260.00 feet and a central angle of 57 degrees 11 minutes 45 seconds; thence North 00 degrees 08 minutes 21 seconds East a distance of 100.00 feet and there terminating.

Check here if all or part of the described real property is Registered (Torrens)

(as is evidenced by Certificate of Title No. 1123111)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

[...]

MARCH 28, 2014

Check applicable box: The Seller certifies that the Seller does not known.	Grantor w
of any wells on the described real property. A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [].)	EllisSPE 22329, LLC, a Minnesota limited liability company,
I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.	By: Its Chief Manager
State of Minnesota, County of Hennepin	
This instrument was acknowledged before me on F . the Chief Manager o	February 2014, by If EllisSPE 22329, LLC, a Minnesota limited
liability company	
(Stamp)	
	(signature of notarial officer)
	Title (and Rank):
	My commission expires:
	(month/day/year)
THIS INSTRUMENT WAS DRAFTED BY: Kennedy & Graven, Chartered (RJL) 470 U.S. Bank Plaza 200 South Sixth Street	TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO: City of Minneapolis Public Works Department
Minneapolis, MN 55402 612-337-9300	Real Estate Section 350 South Fifth Street, #203 Minneapolis, MN 55415
TEMPORARY CO EASEMENT AND	
THIS INDENTURE, made this day of _ EllisSPE22329, LLC, a Minnesota limited liability of Minnesota municipal corporation, Grantee.	, 2014, by and between company, Grantor, and the City of Minneapolis, a

Recitals

1. <u>Legal Description of Property</u>. Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault St. Marie Railroad Company right of way as created by the Deed recorded in the office of the Registrar of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 ½ Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Being registered land as evidenced by Certificate of Title No. 1123111.

Containing 277,913 square feet (6.38) acres)

P.I.D. No. 02-029-24-23-0034

Street Address-211 St. Anthony Parkway, Minneapolis, MN. 55418

2. <u>Grant of Temporary Easement</u>. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, a temporary easement for construction purposes over, under, across and upon that part of the hereinafter described Parcel A, lying northeasterly and easterly of the hereinafter described Line A, and lying westerly of the hereinafter described Line B.

Parcel A:

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul &Sault Ste. Marie Railroad Company right of way as created by the Deed recorded in the office of the Registrar of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 1/2 Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Line A:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds; thence North 57 degrees 03 minutes 24 seconds West, tangent to said curve, a distance of 80.83 feet; thence northwesterly a distance of 259.55 feet along a tangential curve, concave to the northeast, having a radius of 260.00 feet and a central angle of 57 degrees 11 minutes 45 seconds; thence North 00 degrees 08 minutes 21 seconds East a distance of 100.00 feet and there terminating.

Line B:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 256.82 feet to the point of beginning of the line to be described; thence North 00 degrees 08 minutes 21 seconds East a distance of 600.00 feet and there terminating.

Containing 54,039 square feet (1.24 acres)

- **3.** Rights Within Temporary Easement. Said temporary easement shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.
- **4.** <u>Terms of Temporary Easement.</u> The term of the temporary easement granted herein shall commence on the effective date stated in a written notice from Grantee, which notice is given at least 30 days prior to the effective date stated in said notice, and shall terminate on the date which is 20 months after the effective date stated in the written notice.
- **5.** <u>Title</u>. Grantor covenants with Grantee that it is the owner of the Property in fee simple. Grantor further covenants that it has the sole right to grant said easements, and that any judgments or liens against parties with the same or similar names as Grantor are not against Grantor.

- **6.** Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and attorneys' fees, costs, disbursements, or losses resulting from any claims, actions, suits or proceedings relating to a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or relate to the easement tract or the Property prior to the date of this instrument.
- **7.** Restoration of Property. Prior to the expiration of the temporary easement term, Grantee shall restore the surface of the temporary easement tract.
- **8.** <u>Binding Effect.</u> The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed the day and year first above written.

GRANTOR:
ELLISSPE22329, LLC
Ву:
Chief Manager
STATE OF MINNESOTA SS. COUNTY OF HENNEPIN This instrument was acknowledged before me on
Notary Public

THIS INSTRUMENT WAS DRAFTED BY: Kennedy & Graven, Chartered (RJL) 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402 612-337-9300 Parcel 7 TE No. 1

TEMPORARY CONSTRUCTION EASEMENT AND AGREEMENT

THIS INDENTURE, made this	day of	, 20)14, by and betweer
EllisSPE22329, LLC, a Minnesota limited lia	bility company,	, Grantor, and the C	City of Minneapolis, a
Minnesota municipal corporation, Grantee.			

Recitals

1. <u>Legal Description of Property</u>. Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault St. Marie Railroad Company right of way as created by the Deed recorded in the office of the Registrar of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 ½ Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Being registered land as evidenced by Certificate of Title No. 1123111.

Containing 277,913 square feet (6.38) acres)

P.I.D. No. 02-029-24-23-0034

Street Address-211 St. Anthony Parkway, Minneapolis, MN.

2. Grant of Temporary Easement. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, a temporary easement for construction purposes over, under, across and upon that part of the hereinafter described Parcel A, which is described as follows:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 256.82 feet; thence North 00 degrees 08 minutes 21 seconds East to the intersection with the hereinafter described Line A, and the point of beginning of the easement to be described; thence continuing North 00 degrees 08 minutes 21 seconds East a distance of 24.24 feet; thence South 89 degrees 44 minutes 51 seconds East a distance of 72.52 feet; thence South 00 degrees 15 minutes 09 seconds West a distance of 57.11 feet; thence South 34 degrees 47 minutes 10 seconds West to the intersection with a line parallel with and 10.00 feet northeasterly of said Line A; thence southeasterly along said parallel line

and its extension, to the southwesterly line of said Parcel A; thence northwesterly along said southwesterly line to the intersection with said Line A; thence northwesterly along said Line A to the point of beginning.

Parcel A:

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on south line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way as created by the Deed recorded in the office of the Registrar of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 1/2 Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block ":L".

Line A:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds, and there terminating.

Containing 4,951 square feet (0.11 acres)

3. Rights Within Temporary Easement. Said temporary easement shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.

Notwithstanding the foregoing, any work by Grantee within said easement tract shall be coordinated with Grantor in order to provide semi-trailer truck access to the southwest loading dock of Grantor's building for not less than four hours each day during times and at such frequency as is acceptable to Grantor. Grantee's work within the 10 foot strip shall be limited to not more than seven total calendar days (which need not be consecutive) during the four month term of the temporary easement term, with the 10 foot strip to be restored for use by Grantor at all other times.

4. <u>Terms of Temporary Easement</u>. The term of the temporary easement granted herein shall commence on the effective date stated in a written notice from Grantee, which notice is given

at least 30 days prior to the effective date stated in said notice, and shall terminate on the date which is four months after the effective date stated in the written notice.

- **5.** <u>Title</u>. Grantor covenants with Grantee that it is the owner of the Property in fee simple. Grantor further covenants that it has the sole right to grant said easements, and that any judgments or liens against parties with the same or similar names as Grantor are not against Grantor.
- **6.** Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and attorneys' fees, costs, disbursements, or losses resulting from any claims, actions, suits or proceedings relating to a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or relate to the easement tract or the Property prior to the date of this instrument.
- **7.** Restoration of Property. Prior to the expiration of the temporary easement term, Grantee shall restore the surface of the temporary easement tract.
- **8.** <u>Binding Effect.</u> The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed the day and year first above written.

	GRANTOR:
	ELLISSPE22329, LLC
	By:Chief Manager
STATE OF MINNESOTA }	
COUNTY OF HENNEPIN	
	ed before me on, 2014, by of EllisSPE22329, LLC, the Minnesota limited liability
company described in and which executed the thereto by order of said limited liability compan	ne foregoing instrument; and that he signed his name ny.
	Notary Public

THIS INSTRUMENT WAS DRAFTED BY: Kennedy & Graven, Chartered (RJL) 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402 612-337-9300 Parcel 7 T.E. No. 2

RESOLUTION 2014R-107 By Reich

Approving Acquisition of Right-of-Way and Temporary Construction Easement and Agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 9.

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-426, "Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds"; and

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-427, "Request to issue and sell bonds for 2000 Capital Program"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-580, "Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-582 and its Resolution No 2004R-583, "Request to issue and sell bonds for 2005 Capital Program"; and

Whereas, on May 5, 2007, the City Council authorized submission of an application for federal funds for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA LU) for the St. Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements; and

Whereas, on April 24, 2009, the City Council authorized proper City Officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-331, "Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council"; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-333 and its Resolution No 2010R-334, "Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No. SG-2009-072"; and

Whereas, on March 7, 2013, the City Council authorized a request for proposal for engineering service; and

Whereas, on July 19, 2013, the City Council authorized execution of a contract with Short Elliott Hendrickson, Inc. for design services and authorized signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act; and

Whereas, on November 12, 2013, the City Council adopted a resolution authorizing acquisition through negotiations or condemnation of temporary construction easements and permanent easements across parcels therein for transportation related purposes; and

Whereas, on March 7, 2014, the City Council adopted its Resolution No. 2014R-085 Project Designation, Bridge Type and Project Layout Approval, approving the project layout for construction of a new St. Anthony Parkway Bridge over the BNSF Northtown Yard; and

Whereas, agents on behalf of the City have negotiated a proposed agreement with the Gust Kempf, Jr. Revocable Trust Under Agreement dated December 4, 2008 (Gust Kempf, Jr. Revocable Trust), fee owner of the real estate at 3236 California Street, NE, which is described in Exhibit A attached hereto, under which the Gust Kemp, Jr. Revocable Trust will convey right-of-way containing approximately 23,747 square feet to the City for compensation in the amount of \$120,000 and will grant the City a temporary easement containing 19,537 square feet for compensation in the amount of \$13,500, for the St. Anthony Parkway Bridge Project, for total compensation in the amount of \$133,500.00; and

Whereas, the proposed settlement amount to be paid to the owner is consistent with the opinion of damages expressed by an independent real estate appraiser retained by the City, whose appraisal report was provided to the owner in the course of negotiations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of this proposed agreement and related documents by the City Attorney and outside counsel retained by the City and execution and delivery of the deed and easement on behalf of the Gust Kempf, Jr. Revocable Trust, the City Contracting Officer is authorized to execute the easement and agreement on behalf of the City and to pay the Gust Kempf, Jr. Revocable Trust the amount described in the agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

EXHIBIT A

(Top 3 inches reserved for recording data)

WARRANTY DEED		
Individual(s) to Business Entity		
eCRV number:		
DEED TAX DUE: \$	DATE:	, 2014

FOR VALUABLE CONSIDERATION, Gust Kempf, Jr., as Trustee of the Gust Kempf, Jr. Revocable Trust under Agreement dated December 4, 2008, ("Grantor"), hereby conveys and warrants to City of Minneapolis, a municipal corporation under the laws of Minnesota, ("Grantee"), real property in Hennepin County, Minnesota, legally described as follows:

All that part of Lot 1, Block 1, ACT ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly and northeasterly of the following described line and its extensions:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said

Lot 1, a distance of 110.00 feet to the point of beginning of the line to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111 .20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1, and there terminating.

Check here if all or part of the described real property is Registered (Torrens) \ as evidenced by Certificate of Title No. 1300852. together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Grantor Check applicable box: ☐ The Seller certifies that the Seller does not know of any wells on the described real property. Gust Kempf, Jr., as Trustee of the Gust A well disclosure certificate accompanies this Kempf, Jr. Revocable Trust under document or has been electronically filed. (If Agreement dated December 4, 2008 electronically filed, insert WDC number: [...].) I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property Gust Kempf, Jr., Trustee have not changed since the last previously filed well disclosure certificate. State of Minnesota, County of **Hennepin** This instrument was acknowledged before me on _______, 2014, by Gust Kempf, Jr., as Trustee of the Gust Kempf, Jr. Revocable Trust under Agreement dated December 4, 2008. (Stamp) (signature of notarial officer) Title (and Rank): My commission expires: (month/day/year) THIS INSTRUMENT WAS DRAFTED BY: TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS Kennedy & Graven, Chartered (RJL) 470 US Bank Plaza INSTRUMENT SHOULD BE SENT TO: 200 So. 6th Street Minneapolis, MN 55402 **City of Minneapolis** (612) 337-9300 **Public Works Department** Real Estate Section

350 S. Fifth St. #203 Minneapolis, MN 55415

TEMPORARY CONSTRUCTION EASEMENT AND AGREEMENT

THIS INDENTURE, made this _	day of .	, 2014, by and between Gust
Kempf, Jr., as Trustee of the Gus	t Kempf, Jr.	Revocable Trust Under Agreement dated December
4, 2008, Grantor, and the City of M	linneapolis, a	a Minnesota municipal corporation, Grantee.

Recitals

1. <u>Legal Description of Property</u>. Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

Lot 1, Block 1, Act Addition.

Being registered land as evidenced by Certificate of Title No. 1300852

Containing 256,693 square feet (5.89 acres)

P.I.D. No. 03-029-24-41-0035

Property Address: 3236 California Street N.E., Minneapolis, MN 55418

2. Grant of Temporary Easement. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, a temporary easement for construction purposes over, under, across and upon that part of the Property which is legally described as follows:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said Lot 1, a distance of 110.00 feet to the point of beginning of the easement to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111.20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1; thence southerly along said east line, a distance of 86.55 feet; thence North 89 degrees 30 minutes 44 seconds West a distance of 79.57 feet; thence North 38 degrees 56 minutes 22 seconds West a distance of 20.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 15.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 47 seconds West a distance of 33.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 105.00 feet; thence South 89 degrees 16 minutes 47 seconds West a distance of 105.00 feet; thence South 89 degrees 16 minutes 17 seconds West 10 distance of 105.00 feet; thence South 89 degrees 16 minutes 19 distance of 105.00 feet; thence South 89 degrees 10 distance of 105.00 feet; thence South 89 degrees 10 distance of 105.00 feet; thence South 89 degrees 10 distance of 105.00 feet; thence South 89 degrees 10 distance of 105.00 feet; thence South 89 degrees 10 distance of 105.00 feet; thence South 89 degrees 10 distance of 105.00 feet; thence South 89 degree

Containing 19,537 square feet (0.45 acres)

3. Rights Within Temporary Easement. Said temporary easement shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and

obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.

- 4. <u>Terms of Temporary Easements</u>. The term of the temporary easement granted herein shall commence on the effective date stated in a written notice from Grantee which is given at least 30 days prior to such effective date, and shall terminate twelve months following such effective date.
- 5. Title. Grantor covenants with Grantee that it is the owner of the Property in fee simple, that it has the sole right to grant said easement, and that any judgments or liens against parties with the same or similar names as Grantor are not against Grantor.
- **6.** Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and attorneys' fees, costs, disbursements, or losses resulting from any claims, actions, suits or proceedings relating to a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or relate to the easement tract or the Property prior to the date of this instrument.
- 7. Restoration of Property. Prior to the expiration of the temporary easement term, Grantee shall restore the surface of the temporary easement tract in accordance with Grantee's restoration plan.
- 8. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed the day

and year first above written.	,	
and year mst above written.		GRANTOR:
		Gust Kempf Jr., as Trustee of the Gust Kempf, Jr Revocable Trust Under Agreement dated December 4, 2008
		By: Gust Kempf, Jr., Trustee
STATE OF MINNESOTA		
COUNTY OF	SS.	
Jr., as Trustee of the Gust Kemp	of, Jr. Revoc ed the foreg	pefore me on
		Notary Public

THIS INSTRUMENT WAS DRAFTED BY: Kennedy & Graven, Chartered (RJL) 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis. MN 55402 612-337-9300

RESOLUTION 2014R-108 By Reich

Approving Temporary Construction Easement and Agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard – Parcel 10.

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-426, "Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds"; and

Whereas, on December 9, 1999, the City Council adopted its Resolution No 99R-427, "Request to issue and sell bonds for 2000 Capital Program"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-580, "Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds"; and

Whereas, on December 13, 2004, the City Council adopted its Resolution No 2004R-582 and its Resolution No 2004R-583, "Request to issue and sell bonds for 2005 Capital Program"; and

Whereas, on May 5, 2007, the City Council authorized submission of an application for federal funds for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA LU) for the St. Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements; and

Whereas, on April 24, 2009, the City Council authorized proper City officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-331, "Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council"; and

Whereas, on July 2, 2010, the City Council adopted its Resolution No 2010R-333 and its Resolution No 2010R-334, "Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No SG-2009-072"; and Whereas, on March 7, 2013, the City Council authorized a request for proposal for engineering service; and

Whereas, on July 19, 2013, the City Council authorized execution of a contract with Short Elliott Hendrickson, Inc. for design services and authorized signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act; and

Whereas, on November 12, 2013, the City Council adopted a resolution authorizing acquisition through negotiations or condemnation of temporary construction easements and permanent easements across parcels therein for transportation related purposes; and

Whereas, on February 25, 2014, the City Council adopted its Resolution No 2014R-085 Project Designation, Bridge Type and Project Layout Approval, approving the project layout for construction of a new St. Anthony Parkway Bridge over the BNSF Northtown Yard; and

Whereas, agents on behalf of the City have negotiated a proposed agreement with Ellis Properties, LLP, fee owner of the real estate at 3147 California Street NE, which is described in Exhibit A attached hereto, under which Ellis Properties, LLP will grant the City temporary easements containing 41,243 square feet for the St. Anthony Parkway Bridge Project for compensation in the amount of \$57,375.00; and

Whereas, with consideration for additional easements and the loss of rental income which the owner will incur as a result of the City's project, the proposed settlement amount to be paid to the owner is consistent with the opinion of damages expressed by an independent real estate appraiser retained by the City, whose appraisal report was provided to the owner in the course of negotiations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of the proposed easement and agreement by the City Attorney and outside counsel retained by the City and execution and delivery of the easement on behalf of Ellis Properties, LLP, the City Contracting Officer is authorized to execute the easement and agreement on behalf of the City and to pay Ellis Properties, LLP, the amount described in the agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

EXHIBIT A

TEMPORARY EASEMENT AND AGREEMENT

THIS INDENTURE, made this	day of	, 2014,	by and between
Ellis Properties, LLP, a Minnesota limited liab	oility partnership,	Grantor, and the City	of Minneapolis, a
Minnesota municipal corporation, Grantee.			

Recitals

1. <u>Legal Description of Property</u>. Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

That part of Lot 7, Auditor's Subdivision No. 35, Hennepin County, Minnesota, described as follows: Commencing at the intersection of the South line of 33rd Avenue Northeast with the East line of said Lot 7; thence Southwesterly in a straight line which if extended would strike a point distant 40 feet South from the South line of 33rd Avenue Northeast and distant 335 feet West from the East line of Section 3, Township 29, North Range 24, West of the 4th Principal Meridian, to the East line of California Street as opened by the City Council of the City of Minneapolis; thence South along the East line of said California Street to the South line of said Lot 7; thence East along the South line of said Lot 7 to the Southeasterly line of the right-of-way of the most Easterly spur track of the Northern Pacific Railroad (now known as Burlington Northern Inc.); thence Northeasterly along the Southeasterly right-of-way line of said Lot 7 to point of beginning, EXCEPT the right-of-way for the spur tracks of the Minneapolis, St. Paul and Sault

Sainte Marie Railroad (now known as Soo Line Railroad Company) and further EXCEPTING the right-of-way for spur tracks of the Northern Pacific Railway Company, (now known as Burlington Northern Inc.).

Abstract Property

Containing 90,147 square feet (2.07 acres)

P.I.D. No. 03-029-24-41-0002

Street Address-3147 California Street Northeast, Minneapolis, MN. 55418

2. Grant of Temporary Easements. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, temporary easements over, under, across and upon those parts of the Property which are legally described as follows:

A temporary easement for construction purposes over, under and across that part of the herein described Parcel A, lying northerly of the herein described Line A and its westerly extension:

And

A non-exclusive temporary easement for ingress and egress purposes over, under and across that part of the herein described Parcel A, lying southerly of the herein described Line A and its westerly extension, and lying northerly of the herein described Line B and its westerly extension:

PARCEL A:

That part of Lot 7, Auditor's Subdivision No. 35, Hennepin Co., Minn., according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the easterly right-of-way line of California Street NE as opened by the City of Minneapolis; lying northwesterly and westerly of the westerly right-of-way line of the spur tracks of the Canadian Pacific Railroad; and lying southerly of the following described line and its extensions:

Beginning at the intersection of the south right-of-way line of St. Anthony Parkway as opened by the City of Minneapolis with the easterly line of said Lot 7; thence southwesterly in a straight line which if extended would strike a point distant 40.00 feet south from said south right-of-way line of St. Anthony Parkway and distant 335.00 feet west from the east line of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, said Hennepin County, and there terminating.

LINE A:

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 51 minutes 19 seconds West along the east line of said Northeast Quarter of the Southeast Quarter, a distance of 173.96 feet to the point of beginning of the line to be described; thence North 89 degrees 10

minutes 44 seconds West to the easterly right-of-way line of California Street NE as opened by the City of Minneapolis, and said line there terminating.

LINE B:

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 51 minutes 19 seconds West along the east line of said Northeast Quarter of the Southeast Quarter, a distance of 537.05 feet to the point of beginning of the line to be described; thence North 89 degrees 10 minutes 44 seconds West to the easterly right-of-way line of California Street NE as opened by the City of Minneapolis, and said line there terminating.

Temporary construction easement tract contains 3,498 square feet (0.08 acres).

Temporary ingress and egress easement tract contains 37,745 square feet (0.87 ac.)

- **3.** Rights Within Temporary Construction Easement. Said temporary easement for construction purposes shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said construction easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.
- **4.** <u>Terms of Temporary Easements</u>. The terms of the temporary easements granted herein shall commence on the effective date stated in a written notice from Grantee, which notice is given at least 30 days prior to the effective date stated in said notice, and shall terminate on the date which is 20 months after the effective date stated in the written notice.
- **5.** <u>Title</u>. Grantor covenants with Grantee that it is the owner of the Property in fee simple. Grantor further covenants that it has the sole right to grant said easements, and that any judgments or liens against parties with the same or similar names as Grantor are not against Grantor.
- **6.** Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and attorneys' fees, costs, disbursements, or losses resulting from any claims, actions, suits or proceedings relating to a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or relate to the easement tracts or the Property prior to the date of this instrument.
- **7.** Restoration of Property. Prior to the expiration of the temporary construction easement term, Grantee shall restore the surface of the temporary construction easement tract.
- **8. <u>Binding Effect.</u>** The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

MARCH 28, 2014

IN WITNESS WHEREOF, said Gran and year first above written.	tor has caused this instrument to be executed the day
	GRANTOR: ELLIS PROPERTIES, LLP,

ELLIOT NOI EINTIES, LEI ,
By: Managing Partner
STATE OF MINNESOTA } ss. COUNTY OF HENNEPIN
This instrument was acknowledged before me on
Notary Public

THIS INSTRUMENT WAS DRAFTED BY: Kennedy & Graven, Chartered (RJL) 470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402 612-337-9300 Parcel 10

T&PW - Your Committee recommends that the proper City officers be authorized to enter into a lease agreement with TOMCO2 Systems for the rental of a carbon dioxide pilot unit to be used at the Fridley Water Softening Plant. The estimated cost, based on the terms of the agreement and the maximum duration of ten months, is \$24,500. The amount is within the project budget (07400-9010950-CWTR231426) and no additional appropriation is required.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

Approved by Mayor Betsy Hodges 3/31/2014.

(Published 4/1/2014)

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS Committees submitted the following reports:

T&PW and W&M - Your Committee, having under consideration the Penn Ave S Phase 2 Street Reconstruction Project, Special Improvement of Existing Street No 6748, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Resolution 2014R-109 ordering the work to proceed and adopting the special assessments for the project;
- b) Resolution 2014R-110 requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of the street improvements;
- c) Resolution 2014R-111 directing the City Engineer to establish no parking restrictions on Penn Ave at specific locations between the limits of 54th St W and 50th St W; and
- d) Resolution 2014R-112 ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the project area.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-109 By Reich and Quincy

PENN AVE S PHASE 2 STREET RECONSTRUCTION PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 6748

Ordering the work to proceed and adopting the special assessments for the Penn Ave S Phase 2 Street Reconstruction Project, Special Improvement of Existing Street No 6748.

Whereas, a public hearing was held on March 18, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-013 passed January 23, 2014, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R- 013 passed January 23, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of \$333,309.93, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City

pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-110 By Reich and Quincy

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$333,310 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Penn Ave S Phase 2 Street Reconstruction Project, Special Improvement of Existing Street No 6748, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-111 By Reich and Quincy

Directing the City Engineer to establish no parking restrictions on Penn Ave at specific locations between the limits of 54th St W and 50th St W.

Whereas, the City of Minneapolis wishes to reconstruct Penn Ave between the limits of 100 ft north of 54th St W and 50th St W; and

Whereas, Minnesota Department of Transportation (MnDOT) State Aid Rule 8820 requires parking provisions to meet the existing average daily traffic and peak hour traffic volumes and a minimum number of driving lanes, lane widths, and parking widths; and

Whereas, to meet State Aid Rule 8820, the City recommends establishing No Parking Anytime at the following location:

Westerly side of Penn Ave S beginning at the southerly curb line of 51st St W and thence extending 120 feet southerly of the southerly curb line of Cromwell Dr; and

Whereas, State Aid Rules require a certified resolution documenting the requested action;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to install the above-mentioned parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-112 By Reich and Quincy

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction project in the Penn Ave S Phase 2 project area.

Whereas, the City of Minneapolis has scheduled the reconstruction and street lighting improvements starting in 2014 in the Penn Ave S area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 18, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along both sides of Penn Ave S from 100 feet north of 54th St W to 50th St W.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW and W&M - Your Committee, having under consideration the Riverside Extension Reconstruction Project, Special Improvement of Existing Street No 9915, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Resolution 2014R-113 ordering the work to proceed and adopting the special assessments for the project;
- b) Resolution 2014R-114 requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the project; and
- c) Resoltuion 2014R-115 ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the project area.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-113 By Reich and Quincy

Ordering the work to proceed and adopting the special assessments for the Riverside Extension (15th Ave S and 4th St S) Street Reconstruction Project, Special Improvement of Existing Street No 9915.

Whereas, a public hearing was held on March 18, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-014 passed January 23, 2014, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R-014 passed January 23, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of \$258,085.21, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-114 By Reich and Quincy

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$258,090 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Riverside Extension Street Reconstruction Project, Special Improvement of Existing Street No 9915, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-115 By Reich and Gordon

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the Riverside Extension Reconstruction Project, Special Improvement of Existing Street No 9915.

Whereas, the City of Minneapolis has scheduled the reconstruction and street lighting improvements starting in 2014 in the Riverside Extension area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 18, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along both sides of 4th St S from 15th Ave S to Cedar Ave; 4th St S from 15th Ave S to the rail tracks south of 6th St S; 6th St S from 15th Ave S to 200 feet east of 15th Ave S; 16th Ave S from 6th St S south to dead-end.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW & W&M - Your Committee, having under consideration the 5th St N, 8th Ave N and 5th Ave N and 58th St E and MN-62 Frontage Rd S Street Resurfacing Project, Special Improvement of Existing Street No 5258, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Resolution 2014R-116 ordering the work to proceed and adopting the special assessments for the project; and
- b) Resolution 2014R-117 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-116 By Reich and Quincy

2014 STREET RESURFACING PROGRAM
5TH ST N, 8TH AVE N AND 5TH AVE N AND
58TH ST E AND MN-62 FRONTAGE RD S
STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5258

Ordering the work to proceed and adopting the special assessments for the 5th St N, 8th Ave N and 5th Ave N and 58th St E and MN-62 Frontage Rd S Street Resurfacing Project, Special Improvement of Existing Street No 5258.

Whereas, a public hearing was held on March 18, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-034, passed February 7, 2014 to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R-034, passed February 7, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of \$355,510.80 for the 5th St N, 8th Ave N and 5th Ave N and 58th St E and MN-62 Frontage Rd S Street Resurfacing Project No 5258, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the

City pays in interest for selling assessment bonds, with collection of the special assessments to be on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-117 By Reich and Quincy

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$355,515 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed costs of street improvements in the 5th St N, 8th Ave N and 5th Ave N and 58th St E and MN-62 Frontage Rd S Street Resurfacing Project, Special Improvement of Existing Street No 5258, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collected in five (5) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

- **T&PW & W&M** Your Committee, having under consideration the 2014 Street Resurfacing Program, Loring Park Area and the South part of the North Loop Area Street Resurfacing Project, Special Improvement of Existing Street No 5260, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:
- a) Resolution 2014R-118 ordering the work to proceed and adopting the special assessments for the project; and
- b) Resolution 2014R-119 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-118
By Reich and Quincy

2014 STREET RESURFACING PROGRAM
LORING PARK AREA AND SOUTH NORTH LOOP AREA
STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5260

Ordering the work to proceed and adopting the special assessments for the Loring Park Area and the South part of the North Loop Area Street Resurfacing Project, Special Improvement of Existing Street No 5260.

Whereas, a public hearing was held on March 18, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-035, passed February 7, 2014 to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R-035, passed February 7, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of \$489,856.90 for the Loring Park Area and the South part of the North Loop Area Street Resurfacing Project No 5260, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to be on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-119 By Reich and Quincy

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$489,860 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed costs of street improvements in the Loring Park Area and the South part of the North Loop Area Street Resurfacing Project, Special Improvement of Existing Street No 5260, to be assessed against benefited properties as estimated

by the City Council, which assessments shall be collected in five (5) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW & W&M - Your Committee, having under consideration the 2014 Parkway Paving and Parkway Street Lighting Improvement Agreement between the Minneapolis Park and Recreation Board (MPRB) and the City of Minneapolis Department of Public Works, now recommends passage of the accompanying resolutions:

- a) Resolution 2014R-120 authorizing the execution of an agreement with the MPRB regarding 2014 Parkway Paving and Parkway Street Lighting Improvement Projects, pending satisfactory review by the proper City officers; and
- b) Resolution 2014R-121 adjusting the Capital appropriations as necessary to complete the 2014 Parkway Paving and Lighting Improvements Project and authorizing the proper Finance staff to adjust Metropolitan Council Regional Grant Fund appropriations between Parkway Paving and Parkway Street Lighting as needed, not to exceed the overall Metropolitan Council Regional Grant funding total.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-120 By Reich and Quincy

Authorizing execution of a Parkway Paving and Parkway Street Lighting Agreement between the Minneapolis Park and Recreation Board and the City of Minneapolis Department of Public Works.

Whereas, dating back to approximately 1994, the Minneapolis Public Works (MPW) Department has worked cooperatively with the Minneapolis Park and Recreation Board (MPRB) with regards to the rehabilitation of the Parkway Board Parkway Pavement and the Parkway Lighting System; and

Whereas, the MPRB has completed an "Infrastructure Needs Study" of the Parkway pavement and lighting system; and

Whereas, included in the study are the following benchmarks: (a) to achieve and maintain an average Pavement Condition Index (PCI) of 75 in 10 years; (b) to include in the techniques to achieve this PCI: seal coating, renovation, resurfacing, and reconstruction; (c) to replace, on average, 104 street lights per year for 10 years; and (d) to seriously explore the ability to achieve a "red-colored" Parkway again so that the public can recognize the Parkways by their color; and

Whereas, MPW and MPRB staff have been meeting to prepare a five-year plan and exploring options to achieve the stated benchmarks; and

Whereas, the plan has been completed and was presented to the MPRB in March 2012; and

Whereas, the MPRB is in the process and has secured additional funds to enhance the program financially to achieve their objectives; and

Whereas, currently the agreement identifies a total amount of \$1,446,568, but also provides flexibility to reduce the amount and extent of work completed should the budget need to be decreased due to the possible reduction in Metropolitan Council Regional Park Funding;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of the proposed Parkway Paving and Parkway Street Lighting Agreement by the City Attorney, the City Contracting Officer is authorized to execute the Agreement on behalf of the City and, upon execution and delivery of the Agreement by authorized representatives of the Minneapolis Park and Recreation Board, the Director of Public Works is authorized to undertake the street improvement and parkway lighting improvement on select parkways in Minneapolis in accordance with the terms of the Parkway Paving and Parkway Lighting Agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

Approved by Mayor Betsy Hodges 3/31/2014.

(Published 4/1/2014)

RESOLUTION 2014R-121 By Reich and Quincy

Amending The 2014 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in 04100-9010939-SWK1402 Sidewalk Section of the Division of Transportation Maintenance and Repair by \$50,000 from Minneapolis Park and Recreation Board (MPRB) funds (Capital Levy Funding) Revenue Source 375504 Other Miscellaneous Revenues;
- b) Decreasing the appropriation in 04100-9010937-CPV1401 by \$760,000 and decreasing the appropriation in 04100-9010943-CTR1408 by \$560,000 due to no Park Capital Levy as part of the 2014 Parkway Paving and Parkway Street Light Replacement Programs; and
- c) Increasing the appropriation in 04100-9010937-CPV1401 by \$238,677 and increasing the appropriation in 04100-9010943-CTR1408 by \$207,981 to reflect the increased Metropolitan Council Regional Grant Funds. City Council approved \$1,000,000 appropriation as part of 2014 Capital Budget for CPV1401.

Be It Further Resolved that the proper Finance staff be authorized to adjust Metropolitan Council Regional Grant Fund appropriations between Parkway Paving (CPV1401) and Parkway Street

Lighting (CPV1408) as needed, not to exceed the overall Metropolitan Council Regional Grant funding total.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

Approved by Mayor Betsy Hodges 3/31/2014.

(Published 4/1/2014)

T&PW and W&M - Your Committee recommends passage of the accompanying resolutions directing the Hennepin County Auditor to reduce the levied street reconstruction assessments for taxes payable in 2014 and subsequent years relating to:

- a) Resolution 2014R-122 Penn Ave S Street Reconstruction Project No 6748C on the parcels owned by Wagner Partners Limited Partnership, a Minnesota Limited Partnership,; and
- b) Resolution 2014R-123 Winter St Residential/Commercial Street Reconstruction Project No 2226C on the parcels owned by Minnetonka Moccasin Company, Inc., for taxes payable in 2014 and subsequent years.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2014R-122 By Reich and Quincy

RESOLUTION OF SPECIAL ASSESSMENT APPEALS WAGNER PARTNERS LIMITED PARTNERSHIP, A MINNESOTA LIMITED PARTNERSHIP V. CITY OF MINNEAPOLIS

Authorizing the Hennepin County Auditor to reduce the special assessments for Public Works street reconstruction improvements for the payable 2014 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolution 2013R-510 on November 12, 2013 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2014 real estate tax statements which included the Street Resurfacing Project No as stated herein; and

Whereas, an appeal of the special assessments was filed as District Court File No 27-CV-13-3073 and a settlement between the parties has been agreed upon;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement that reduces the assessment on the property identified as 6024 Penn Ave S, PID 20-028-24-44-0156 from a total of \$186,024.11 by \$79,024.11 to \$107,000.

MARCH 28, 2014

Be It Further Resolved that the Hennepin County Auditor is hereby directed to reduce the following levied special assessment on the 2014 and subsequent years' tax statements from a total assessment amount of \$186,024.11 for Levy 01026, Project 6748C to:

<u>LEVY</u> <u>PROJECT</u> <u>PROPERTY ID</u> <u>TOTAL AMT</u> 01026 6748C 20-028-24-44-0156 \$107,000.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

RESOLUTION 2014R-123 By Reich and Quincy

RESOLUTION OF SPECIAL ASSESSMENT APPEALS MINNETONKA MOCCASIN COMPANY V. CITY OF MINNEAPOLIS

Authorizing the Hennepin County Auditor to reduce the special assessments for Public Works street reconstruction improvements for the payable 2014 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolution 2013R-510 on November 12, 2013 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2014 real estate tax statements which included the Street Resurfacing Project No as stated herein; and

Whereas, an appeal of the special assessments was filed as District Court File No 27-CV-13-4190 and a settlement between the parties has been agreed upon;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement that reduces the assessment on the property identified as 1227 Hennepin Ave E, PID 13-029-24-43-0041 from a total of \$312,929.87 by \$177,129.87 to \$135,800; and

Be It Further Resolved that the Hennepin County Auditor is hereby directed to reduce the following levied special assessment on the 2014 and subsequent years' tax statements from a total assessment amount of \$312,929.87 for Levy 01026, Project 2226C to:

<u>LEVY</u> <u>PROJECT</u> <u>PROPERTY ID</u> <u>TOTAL AMT</u> 01026 2226C 13-029-24-43-0041 \$135,800.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

T&PW & W&M - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No 7872 from Shafer Contracting Company, Inc., for an estimated annual expenditure of \$3,004,000.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the construction of sidewalks, curb, alley and drive approaches in 2014 for the Public Works Paving Division. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

T&PW & W&M - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No 7905 from Dresser Trap Rock, Inc., for an estimated annual expenditure of \$188,300.00, to furnish and deliver gray/black class "A" aggregate to the City of Minneapolis Public Works Paving Division as needed through March 31, 2015. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1) The report was adopted.

The WAYS & MEANS Committee submitted the following reports:

W&M - Your Committee recommends passage of Resolution 2014R-124 authorizing settlement of legal matters, as recommended by the City Attorney.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-124 By Quincy

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement in the matter of Jeremy Axel et al. v. City of Minneapolis, et al. by payment of \$271,864.78 to Mr. Axel; and his attorneys, the Applebaum Law Firm, from Fund/Org. 06900-1500100-145400.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

W&M - Your Committee recommends passage of Resolution 2014R-125 authorizing the use of a Project Labor Agreement (PLA) with the Minneapolis Buildings and Construction Trades Council for all construction work on the Target Center Renovation Project.

Your Committee further recommends that the proper City officers be authorized to issue a Request for Proposal for Construction Manager at Risk (CMaR) Services.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-125 By Quincy and Glidden

Authorizing the use of a Project Labor Agreement (PLA) with the Minneapolis Buildings and Construction Trades Council for all construction work on the Target Center Renovation Project.

Whereas, the City will oversee the renovation of the Target Center, a major project ("Project"), the construction of which is expected to exceed \$90,000,000 and will be used by the Minnesota Timberwolves Basketball Limited Partnership ("Team") and multiple other users; and

Whereas, the Project will demand a reliable source of more than 800 skilled construction workers in a variety of trades to complete the Project; and

Whereas, the Project will demand a high degree of skill and training of its construction workers, particularly given the size and complexity of the Project; and

Whereas, the Project also will require coordination of multiple trades on the same job site, including integration of work schedules and other terms and conditions of employment; and

Whereas, the Project also will take a substantial amount of time to complete, with an expected duration of approximately sixteen (16) months, and timely completion is essential for the City and the Team as well as other users of the Target Center to avoid incurring significant additional costs and disruption and to capture revenues from the renovated facility as soon as possible; and

Whereas, preventing delays and disruption of the Project also is essential because of the need for complex, coordinated scheduling to accommodate the normal uses of the Project while construction is ongoing; and

Whereas, during the expected term of the Project, multiple collective bargaining agreements of local construction unions are scheduled to expire, and the guarantees of no work stoppages in those agreements are likewise scheduled to expire during the term of the Project; and

Whereas, a project labor agreement ("PLA") is a form of multi-employer, multi-trade, pre-hire collective bargaining agreement covering terms and conditions of employment for construction employees on a project; and

Whereas, throughout the country, public and private construction owners regularly utilize and require PLAs for billions of dollars worth of construction each year; and

Whereas, there is currently and in the foreseeable future there will be a high demand for labor in the Twin Cities construction market because of multiple major projects, including the Minnesota multipurpose stadium project; and

Whereas, given the large scale of the Target Center Renovation Project, the need to maintain a tight schedule, as well as the high demand for labor in the Twin Cities' construction market, ensuring a steady supply of skilled labor is critical to the success of the Project. A PLA will help ensure a steady supply of skilled labor; and

Whereas, the magnitude and complexity of this Project demands the highest skilled labor available; and

Whereas, A PLA with the local trade unions can help ensure the most skilled labor is available for this Project; and

Whereas, promoting workforce diversity is a high priority for the City on this Project. A PLA can secure trade unions' cooperation in promoting workforce diversity; and

Whereas, in the State of Minnesota, public agencies and private owners have successfully completed projects on time and on budget using PLAs on numerous projects, including the following major stadium construction projects: Target Field, TCF Bank Stadium, and the Hubert H. Humphrey Metrodome. These projects were built timely, efficiently, safely, and with the highest quality; and

Whereas, PLAs have been shown to offer the following benefits to project owners, which would help enable the City to meet its above-stated goals for this Project:

Promote cost-effective, timely, and safe construction and project delivery, by providing access to a reliable supply of well-trained and skilled construction trades personnel;

Assure greater productivity and quality from construction trades personnel, thereby resulting in costeffective performance, while also reducing maintenance and repair costs over the life of the Project;

Establish uniform terms and conditions of employment for the contractors and construction trades employees working on the Project, integrate work schedules, and standardize work rules for the Project, thereby resulting in a well-coordinated, efficiently functioning construction worksite that will minimize delays; and

Promote labor harmony and assure that construction will proceed without interruption from labor disputes by providing contractual guarantees against work stoppages and mutually-binding procedures for resolving labor disputes:

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the City shall require the use of a PLA with the Minneapolis Building and Construction Trades Council for all construction work on the Target Center Renovation Project. The City's representatives are authorized and directed to take such steps as necessary to implement this Resolution, including but not limited to requiring the Construction Manager at Risk or General Contractor to enter into an appropriate PLA with the Minneapolis Building and Construction Trades Council. The City's representatives are directed to ensure that the PLA requirement is included in the construction solicitation documents for the Project, including any bid specifications or requests for proposals. The bid specifications or request for proposals shall make clear that bidding is open

to union and non-union contractors, provided that a contractor that is a successful bidder agrees to become a party to and comply with the PLA while working on the Project.

Be It Further Resolved that the PLA shall, at a minimum, meet the following criteria:

The PLA shall be made binding on all contractors and subcontractors of whatever tier working on the Project, including the Construction Manager at Risk or General Contractor; and

The PLA shall establish certain uniform job conditions; and

The PLA shall provide for referral of employees from union hiring halls and that employment on the Project will be available to qualified applicants without regard to union membership; and

The PLA shall not require any contractor to be or become a party to a collective bargaining agreement on any other construction project in order to qualify to work under the PLA; and

The PLA shall set forth binding procedures for resolving any jurisdictional or labor disputes arising during the construction process; and

The PLA shall contain guarantees against strikes, lock-outs, and any other similar job actions that would disrupt construction; and

The PLA shall contain assurances of cooperation by the Local Unions in promoting the City's workforce diversity goals.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report and resolution were adopted.

Approved by Mayor Betsy Hodges 3/31/2014.

(Published 4/1/2014)

W&M – Your Committee recommends acceptance of the low bid received on OP 7890 submitted by Northern Air Corporation, d/b/a NAC Mechanical and Electrical Services, for an estimated expenditure of \$863,522.50, to furnish and deliver all labor, materials and incidentals necessary for Domestic Water Supply and Sanitary Drain Pipe Replacement at the Minneapolis Target Center. Further, that the proper City officers be authorized to execute a contract for said project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

W&M – Your Committee recommends approval of the following Minneapolis Television Network Board appointments:

a) Nancy Brown, Seat 4, for a two-year term to expire January 15, 2016;

- b) Seth Goodlaxson, Seat 2, for a three-year term to expire January 15, 2017;
- c) George Norman, Seat 9, for a four-year term to expire January 15, 2018; and
- d) LaJuana Whitmore, Seat 1, for a four-year term to expire January 15, 2018.

Your Committee further recommends that the Council's action of February 21, 2014 be amended to reflect that the Mayoral appointment of Catherine Bishop be extended for a term to expire on January 15, 2018.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

W&M – Your Committee recommends that the proper city officers be authorized to execute a oneyear contract with iLynx, Inc. to provide Senior Project Management Services, PeopleSoft Financials (COMPASS) upgrade for an amount not-to-exceed \$220,000; included is an option to renew the contract up to one additional year.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

W&M - Your Committee, having under consideration the contract compliance software for the Civil Rights Department, now recommends that the proper City officers be authorized to:

- a) Extend contract C-36677 with B2GNow/AskReply, Inc. for three additional years, through October 31, 2017;
- b) Increase the amount by \$180,000, for a new total not-to-exceed \$230,000 over the life of the contract, to provide ongoing support for tracking contractors who are not in compliance at the City of Minneapolis; and
- c) Update Terms and Conditions to reflect current standards.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

W&M – Your Committee recommends that the proper City officers be authorized to execute a threeyear contract with Ardent Technologies, Inc. to provide support, maintenance and enhancement of the City's Solid Waste Information System (SWIS) application software for an amount not-to-exceed \$450,000; included is an option to renew the contract up to two additional years.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)
The report was adopted.

W&M – Your Committee recommends that the proper City officers be authorized to execute a contract for the 2014 – 2015 program year with St. Paul Neighborhood Network for use of their AmeriCorps host site agreement form to enable the City of Minneapolis to participate in the Community Technology Empowerment Project (CTEP) AmeriCorps program in an amount not-to-exceed \$10,000.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson, Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report was adopted.

W&M - Your Committee recommends passage of Resolution 2014R-126 accepting telepresence / video conferencing equipment from Cisco Systems, Inc. for the City of Minneapolis' Information Technology Department.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-126 By Quincy

Accepting telepresence / video conferencing equipment from Cisco Systems, Inc.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set for the below to the City:

Name of Donor

Gift

Cisco Systems, Inc.

Telepresence / Video Conferencing Equipment

Whereas, no goods or services were provided in exchange for said donation; and

Whereas, all such donations have been contributed as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donation offered;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the donations described above are accepted and shall be used for telepresence / video conferencing equipment.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

W&M - Your Committee recommends passage of Resolution 2014R-127 amending the 2014 General Appropriation Resolution to increase the budgets in the funds and agencies recommended by the Finance Officer in Appendix A of the staff report on file in the Office of the City Clerk in order to provide for reappropriation of 2013 remaining budget funds to 2014.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-127 By Quincy

Amending The 2014 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to reflect the following reappropriation of 2013 funds:

2013 to 2014 Rollover Requests - General Fund

Г	Z010 to Z014 Kollovel Kequests	1 1		
		Meets	General Fund	
	Description/Reason for			
Dept./Div	Reapporpriation	Criteria	Amt Requested	Dept. No.
General Fund: Counc	il Directed		216,446	
	Workforce Planning Program - Council			
	staff direction; reallocation of salary			
	savings for enterprise-wide training			
Human Resources	efforts.	Υ	100,000	8150300
	LIMS Project - Legislative Information			
	System set up in 2013 with IT; work			
City Clerk - Council	continuing.	Y	116,446	2600115
General Fund: Rollov	ers Meeting Criteria		1,483,560	
	DID 18-24 Pilot Project - Project to			
	reduce recidivism in the downtown			
City Attorney	community. Continuation.	Υ	30,000	1400100
	DID 18-24 Pilot Project Expansion -			
City Attorney	additional probation services.	Υ	20,000	1400100

City Attorney	Domestic Advocate Services - Support Family Violence Unit at MPD; provides for domestic advocates to assist victims; unspent contract amounts (C- 35059, C-36013 and C-36054).	Y	18,420	1400100
Civil Rights	Civil Rights Compliance Monitoring System - In response to feasibility study, implement system to support contract and wage compliance functions.	Y	140,000	3000000
Human Resources (by City Coordinator)	Employee Survey - delayed per Mayor's request due to election.	Υ	40,000	8150100
Human Resources	ERP Program/HRIS Project - Continue funding of ERP Program started in 2013 and to be completed in 2015.	Y	681,328	8150100
311	311 System Refresh - Contract Business Analyst.	Υ	50,000	8320000
311	Creston Video/TV Communication System - project underway and scheduled for completion in 2014.	Υ	12,000	8320000
Regulatory Services	Moving and furniture costs for 4th Floor PSC - project plan approved by FSAM in 2013; preliminary plan cost totals \$67,980.	Υ	35,258	8350100
Emergency Mgmt	Siren Project - Final stages of project started in 2013.	Υ	166,960	8440100
IT	Outsourcing advisory services - contract to provide services from development of RFP through onboarding of vendor and/or vendors of a Managed Services Solution.	Y	99,594	8800540
City Clerk	LIMS Project - Legislative Information System set up in 2013 with IT; work continuing.	Y	190,000	2600115
-	AL FUND 2013 TO 2014 ROLLOVER REQUE	1	1,700,006	

2013 to 2014 Rollover Requests - Other Funds

		Meets	Other Fund		
Dept/Div	Description/Reason for Reapporpriation	Criteria	Fund #	Amount	Dept. No.
Other Funds: F					
Target Center	Open POs - Capital project work.	Y/FB	01260	437,192	8700200

Convention Center	Various Open POs - Equipment, maintenance and capital project work.	Y/FB	01760	2,054,146	8650123
	Maximo Project - Funded and appropriated in				
Property	2012 rollover to 2013; project started in 2013; to				
Services	be completed in 2014-2015; capital project.	Υ	06200	420,160	8201100
	ERP Program/HRIS Project - Continue funding				
Human	of ERP Program started in 2013 and to be				
Resources	completed in 2015.	Υ	06400	26,078	8150100
	Intelligent Operations Platform (IOP) project -				
	contracted with IBM for software and				
	implementation services; started in 2013 with				
	design and development work; approved				
IT	implementation delivered in 2014.	Υ	06400	223,080	8800110
	Network Security Professionals, Inc provide				
	network architectural review and series of				
	network penetration tests; contracted in 2013				
IT	with completion of services in 2014.	Υ	06400	24,800	8800110
	Negotiation Skills Training - additional planned				
	training and consultation work; unfinished				
City Attorney	contract work (C-37636).	Υ	06900	50,000	1400300
	Negotiation Skills Trainings - Complete				
	additional trainings; unfinished contract work (C-				
City Attorney	37636).	Υ	06900	20,000	1400300
	Benefit Admin Expenses - remaining balance				
Human	of forfeitures from the flexible medical spending	v	00000	400.005	0450400
Resources	account.	Υ	06900	120,225	8150400
	Outstanding 2013 POs/Projects at FYE -				
Fleet Services	Issued but not able to process.	Y/FB	06110	3,812,788	6750400
	V 1 1 1 1 1 2 2 2 2 2 1 1 1 1 1 1 1 1 1				
Floor Complete	Vehicles authorized for 2013 but delayed -	V/ED	00440	050.000	6750406
Fleet Services	Capital/Fund Balance.	Y/FB	06110	353,000	6750400

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

The ZONING & PLANNING Committee submitted the following reports:

On motion by Bender, seconded, the following report was postponed:

Z&P – Your Committee, having under consideration an appeal filed by Robert D. Riskin with, and on behalf of, all property owners immediately adjacent to McDonald's, of the decision of the Zoning Board of Adjustment granting the following variances for an existing fast food restaurant located at 1100-1118 University Ave NE,

- a) A variance to increase the maximum number of freestanding signs from one to four;
- b) A variance to increase the maximum area for freestanding signs from 80 square feet to 330 square feet; and

c) A variance to increase the maximum height of freestanding signs from 8 feet to approximately 10 feet 3 inches and 10 feet 9 inches,

now recommends that, notwithstanding staff recommendation, said appeal be granted, that the variances be denied, and that Findings of Fact prepared by City Attorney, as directed by the Committee, on file as FOF-2014- in the Office of the City Clerk, be adopted.

Z&P – Your Committee recommends approval of the corrected vacation resolution (Vac-1608), passed by the City Council on March 29, 2013, vacating two sidewalk easements in the Cedar-Riverside area, by removing easement language for Centurylink.

Your Committee further recommends passage of Resolution 2014R-128 vacating two sidewalk easements.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-128 By Bender

Correcting the legal description for Resolution 2013R-128: Vacating two sidewalk easements in the Cedar-Riverside area. Easements are as described in Easement Deed Document 4059543, 1097179, and 4063712, Exhibit A, Easements II and III (Vacation File No. 1608).

Resolved by The City Council of The City of Minneapolis:

That all parts of the sidewalk easements as described as follows:

Easement 2 (sidewalk from 6th Street toward the SW wall of Riverside Plaza's Ramp): that part of Lot 4, Block 11, Atwater's Addition to the Town of Minneapolis, described as follows: Beginning at a point in the Southwesterly line of said Block 11, a distance 180.5 feet Southeasterly of the most Westerly corner of said Block 11; thence Southeasterly along said Southwesterly line 5 feet; thence at a right angle Northwesterly 113.5 feet; thence at a right angle Southwesterly 113.5 feet to the point of beginning;

Easement 3 (sidewalk continuing from Easement 2 up to the SW wall of Riverside Plaza's Ramp): that part of Lots 4 and 9, Block 11, Atwater's Addition to the Town of Minneapolis, described as follows: Commencing at the most Westerly corner of said Block 11; thence Southeasterly along the Southwesterly line of said Block 11, a distance of 175.5 feet; thence at a right angle Northeasterly 113.5 feet to the actual point of beginning of tract of land to be described; thence continuing Northeasterly along an extension of last described course 71 feet; thence at a right angle Southeasterly 23 feet; thence at a right angle Southwesterly 71 feet; thence at a right angle Northwesterly 23 feet to the actual point of beginning, Hennepin County, Minnesota, is hereby vacated. except that such vacation shall not affect the existing easement right and authority of Centurylink, their successors and assigns, to enter upon that portion of the aforedescribed sidewalk easement, which is described in regard to said corporations as follows, to wit:

As to Centurylink: An easement of the entire described area to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to

said utility easement upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The resolution was adopted.

Approved by Mayor Betsy Hodges 3/31/2014.

(Published 4/1/2014)

Z&P – Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the Zoning Code, amending regulations pertaining to on-premise roof signs, now recommends the following:

- a) Ordinance 2014-Or-014, amending Chapter 543 relating to On-Premise Signs be given its second reading for amendment and passage.
- b) Chapter 520 relating to Introductory Provisions be returned to author.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2014-Or-014
By Goodman
Intro & 1st Reading: 12/13/2013
Ref to: Z&P
2nd Reading: 3/28/2014

Amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 543.50 of the above-entitled ordinance be amended to read as follows:

543.50. Prohibited signs. The following signs shall be prohibited in all zoning districts, except as otherwise specified in this chapter:

- (1) <u>Dynamic and dynamic changeable copy</u> Rroof signs.
- (2) Balloon signs.
- (3) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing signage.
- (4) Signs placed or maintained on natural features.
- (5) Audible signs.

- (6) Signs with moving or swinging parts or elements, except in the downtown districts and C3A District or as a window sign.
- (7) Any sign relating to sexually oriented uses and prohibited by the regulations governing such uses in Chapter 549, Downtown Districts.
- (8) Searchlights and strobe lights, except as allowed in Chapter 535, Regulations of General Applicability.
- (9) Signs attached to skyway bridges and intended to be read from the public right-of-way.
- (10) Stringer signs.
- (11) Off-premise signs that do not comply with Chapter 544, Off-Premise Signs and Billboards.
- (12) Any sign not listed as either permitted or conditional or any sign not determined by the zoning administrator to be substantially similar to a sign listed as permitted or conditional in the manner provided for in Chapter 525, Administration and Enforcement, governing determination of substantially similar uses.
- (13) Snipe signs.

Section 2. That Table 543-2 of the above-entitled ordinance be amended to read as follows:

Table 543-2 Specific Standards for Signs in the OR2, OR3 and Commercial Districts

	Zoning District Sign Standards							
	OR2, OR3 C1 C2 C3A C3S C4							
Signs Attached to Buildings								
Size Allocation For all districts except C3S, one (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding or roof sign is on the same zoning lot. If there is no freestanding or roof sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S District, two (2) sq. ft. of signage per one (1) ft. of primary building wall. Sign area based upon one (1) primary building wall shall not be placed on any other building wall.								
Types of signs attached to buildings allowed								
Roof signs	Yes, see Section 543.425							

Section 3. That Table 543-3 of the above-entitled ordinance be amended to read as follows:

Table 543-3 Specific Standards for Signs in the Downtown Districts

	Downtown District Sign Standards							
	B4 B4S B4C B4N Downtown Entertainment Area ¹							
Types of signs attached to buildings allowed								
Roof signs	Yes, see Section 543.425							

Section 4. That Table 543-4 of the above-entitled ordinance be amended to read as follows:

Table 543-4 Specific Standards for Signs in the Industrial Districts

Table 543-4 Specific Standards for Signs in the industrial districts	
Industrial Districts Sign Standards Signs Attached to Buildings	
signs attached to buildings allowed	
Yes, see Section 543.425	

Section 5. That Chapter 543 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 543.425 to read as follows:

543.425. Roof signs. (a) *In general.* Notwithstanding the height limits of Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, one roof sign shall be allowed, subject to the following:

- (b) Roof signs facing a public street frontage. Roof signs identifying the name or logo of a building or use, facing a public street frontage, shall be subject to the following:
- (1) Signs shall be located on buildings that are less than six (6) stories and eighty-four (84) feet in height.
- (2) Signs shall be internally illuminated or non-illuminated individual letters and/or logo permanently affixed and attached to the parapet wall or building roof and shall face a public street.
- (3) Signs shall not extend outward more than six (6) inches from the structure.
- (4) Signs shall not be located more than five (5) feet from the face of the primary building wall.
- (5) Signs shall be included in the calculation of the total permitted sign area allowed on the primary building wall facing the same street frontage.
- (6) A roof sign may have a vertical dimension of two (2) feet per story, but not more than a total of five (5) feet, above the roof line of a flat roofed building, or the parapet wall, whichever is greater.
- (7) Between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits.
- (c) Roof signs affixed flat on the roof and viewed from above. Roof signs identifying the name or logo of a building or use, affixed flat on the roof and viewed from above, shall be subject to the following:
- (1) A roof sign shall be located on a building with a flat roof that exceeds fifteen (15) stories and shall be installed on or above the fifteenth (15) story.

- (2) Notwithstanding the area limits of Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, a roof sign shall not exceed twenty-five (25) percent of the roof area on which the sign is located.
- (3) Signs shall be non-illuminated or externally illuminated in such a way that the light shall be aimed and shielded directly onto the roof sign only.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, A. Johnson,

Palmisano, President Johnson (12)

Noes: (0)

Absent: Quincy (1)

The report and ordinance were adopted.

RESOLUTIONS

Resolution 2014R-129 proclaiming April 2014 as Parkinson's Disease Awareness Month throughout the City of Minneapolis was adopted.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2014R-129

By Reich, Gordon, Frey, B. Johnson, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, and Palmisano

Proclaiming April 2014 as Parkinson's Disease Awareness Month throughout the City of Minneapolis.

Whereas, Parkinson's disease is a progressive neurological movement disorder of the central nervous system—according to the Parkinson's Action Network, the Parkinson's Disease Foundation, the National Parkinson Foundation, the American Parkinson Disease Association, and the national Institutes of Health—affects more than 1 million Americans who have been diagnosed with the disease; and

Whereas, founded in 1957, the National Parkinson Foundation is the only organization maintaining a singular focus on improving the quality of care for those living with Parkinson's disease and has an extensive network of chapters, support groups and centers of excellence throughout the United States and around the world; and

Whereas, founded in 1995 as the Parkinson Association of Minnesota and renamed in June 2011, the National Parkinson Foundation Minnesota is the state affiliate chapter of the National Parkinson Foundation and has as its central mission the goal of positively impacting the lives of individuals and families living with Parkinson's disease through improved care and support, community engagement and education, and advocacy; and

Whereas, Minnesota ranks third among all states in the nation, per capita, for those living with Parkinson's disease; and

Whereas, in Minnesota and surrounding communities, the National Parkinson Foundation Minnesota drives awareness and outreach by bringing together thought leaders on Parkinson's disease as members of its clinic advisory board under the leadership of Dr. Martha Nance, of the Park Nicollet Struthers Parkinson's Center, which has providing training to hospital neurologists, physicians, pharmacists, nurses, and rehabilitation therapists to improve patient outcomes for those living with Parkinson's disease, proving that it is possible to unite competing subspecialty groups to identify and act upon areas of common interest and concern, which has the potential to improve care and improve lives throughout the region; and

Whereas, the National Parkinson Foundation Minnesota funds outreach, education, support groups, and families, including its unique Respite Care Grant program which reaches families throughout the Midwest, and, in the coming year, National Parkinson Foundation Minnesota will announce new grant opportunities to support individuals and families in earlier stages of diagnosis; and

Whereas, April has been proclaimed as World Wide Parkinson's Awareness Month to help promote awareness of the need for a multidisciplinary approach that includes local wellness and caregiver groups as well as the need for increased research, education, and support to address the devastating effects of Parkinson's disease, treatments with fewer side effects, and ultimately a cure; and

Whereas, the National Parkinson Foundation Minnesota will host a fundraiser on April 15, 2014, to highlight its work to support individual and families living with Parkinson's disease, to build and enhance outreach and education, to support research initiatives, and to ultimately find a cure for the disease, and, as part of this special event, has requested the lighting of the I-35W Bridge to commemorate those whose lives have been impacted by Parkinson's disease and as a visible sign of hope for a future where Parkinson's disease no longer affects individuals and families;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and City Council hereby proclaim April 2014 as PARKINSON'S DISEASE AWARENESS MONTH throughout the City of Minneapolis, and urge all residents to participate in activities and events which support the fight against Parkinson's disease and to support efforts which aid and assist individuals and families living with Parkinson's disease.

NEW BUSINESS

On motion by B. Johnson, seconded, the report of the City Clerk pertaining to outstanding ordinance introductions was accepted, those matters listed in the report were deleted from the City Council's long-range agenda, and the City Clerk was directed to provide appropriate annotations in the respective legislative files for those subject matters.

On motion by B. Johnson, seconded, the Clerk's report of Ordinance Introductions was amended by striking the listed author for an ordinance previously introduced and pertaining to Title 20 relating to Zoning Code, applicants to be in compliance with all outstanding City requirements, obligations, and approvals, and substituting in lieu thereof the name Council Member B. Johnson (#9). Furthermore, the ordinance was removed from the report of the City Clerk and remanded to the proper standing committee having subject-matter jurisdiction.

On motion by Bender, seconded, the Clerk's report of Ordinance Introductions was amended by striking the listed author for an ordinance previously introduced and pertaining to Title 18 relating to Traffic Code, adding bicycle lanes to the list of prohibited parking and stopping places; and disallowing a parking and stopping exception for vehicles receiving and discharging passengers in bicycle lanes, and pertaining to Title 20 relating to Zoning Code, expanding the requirement to provide bicycle facilities in new development projects, and substituting in lieu thereof the name Council Member Bender (#5 and #10). Furthermore, the ordinances were removed from the report of the City Clerk and remanded to the proper standing committee having subject-matter jurisdiction.

On motion by A. Johnson, seconded, the Clerk's report of Ordinance Introductions was amended by striking the listed author for an ordinance previously introduced and pertaining to Title 14 relating to Liquor and Beer, repealing provisions related to restroom facilities, and pertaining to Title 10 relating to Food Code, repealing Section 188.450 relating to toilet facilities, and substituting in lieu thereof the name Council Member A. Johnson (#11 and #12). Furthermore, the ordinances were removed from the report of the City Clerk and remanded to the proper standing committee having subject-matter jurisdiction.

On motion by Frey, seconded, the Clerk's report of Ordinance Introductions was amended by striking the listed author for an ordinance previously introduced and pertaining to Title 10 relating to Food Code, non-motorized food vehicle vending, and pertaining to Title 14 relating to Liquor and Beer, amending mandatory food service requirements, and substituting in lieu thereof the name Council Member Frey (#13 and #14). Furthermore, the ordinances were removed from the report of the City Clerk and remanded to the proper standing committee having subject-matter jurisdiction.

On motion by Glidden, seconded, the meeting was adjourned to Room 315, City Hall, for the purpose of discussing the following lawsuits: *City of Minneapolis v. CenterPoint; Jerry's Enterprises, Inc. v. CenterPoint, et al.; and State Farm, et al. v. CenterPoint, et al.*

ADJOURNED SESSION

Council President Johnson called the adjourned session to order at 10:57 a.m. in Room 315, a quorum being present.

Deputy City Attorney, Peter Ginder, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits: *City of Minneapolis v. CenterPoint; Jerry's Enterprises, Inc. v. CenterPoint, et al.; and State Farm, et al. v. CenterPoint, et al.*

At 10:59 a.m., on motion by Reich, seconded, the meeting was closed.

Present - Council Members Kevin Reich, Cam Gordon (Out at 11:29 a.m.), Jacob Frey (In at 11:04 a.m.), Blong Yang, Abdi Warsame (Out at 11:11 a.m.), Lisa Goodman, Elizabeth Glidden (In at 11:01 a.m.), Lisa Bender, Andrew Johnson, Linea Palmisano, President Barbara Johnson.

Absent – Council Members Alondra Cano, John Quincy.

Also Present - Susan Segal, City Attorney, Peter Ginder, Deputy City Attorney, Assistant City Attorneys Tracey Fussy, Sarah Lathrop, and Kristen Sarff, City Attorney's Office; Heidi Hamilton, Department of Public Works; Casey Joe Carl, City Clerk; and Jackie Hanson, City Clerk's Office.

Lathrop summarized the City of Minneapolis v. CenterPoint; Jerry's Enterprises, Inc. v. CenterPoint, et al.; and State Farm, et al. v. CenterPoint, et al. lawsuits from 11:00 a.m. to 11:30 a.m.

At 11:30 a.m., on motion by Glidden, seconded, the meeting was opened.

On motion by Glidden, seconded, the claims by every party asserted in City of Minneapolis v. CenterPoint, Hennepin County District Court File No.: 27-CV-13-4829; Jerry's Enterprises, Inc. v. CenterPoint, et al., Hennepin County District Court File No.: 27-CV-13-4612; State Farm, et al. v. CenterPoint, et al., Hennepin County District Court File No.: 27-CV-13-4842, were settled in the following manner: CenterPoint will pay to Jerry's Enterprises, and Jerry's Enterprises will accept, the sum of \$170,000 in full settlement of all claims against CenterPoint and the City of Minneapolis. CenterPoint will pay to State Farm Mutual Automobile Insurance Company, American Family Mutual Insurance Company, Metropolitan Property and Casualty Insurance Company, Progressive Preferred Insurance Company, and Allstate Insurance Company, and they will accept, the global sum of \$22.500 in full settlement of all claims against CenterPoint and the City of Minneapolis. CenterPoint will defend and indemnify the City of Minneapolis in the claim and litigation of Illinois Farmers Ins. Co. and 21st Century Ins. Co., from March 11, 2014, forward. CenterPoint and the City of Minneapolis will dismiss their respective claims against each other. As additional consideration, the City of Minneapolis agrees to pay the expert fees of Engel Metallurgical, the firm retained on behalf of the City of Minneapolis and Cub Foods, up to an amount of \$22,250, payable from Fund/Org. 06900 1500100 145690. Further, that the City Council authorizes the City Attorney's Office to execute any documents necessary to effectuate the settlement.

On roll call, the result was:

Ayes: Reich, Frey, Yang, Goodman, Glidden, Bender, A. Johnson, Palmisano, President Johnson

(9)

Noes: (0)

Absent: Gordon, Cano, Quincy, Warsame (4)

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

On motion by Glidden, seconded, the meeting was adjourned.

Casey Joe Carl, City Clerk

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- a) Nancy Brown, Seat 4, for a two-year term to expire January 15, 2016;
- b) Seth Goodlaxson, Seat 2, for a three-year term to expire January 15, 2017;
- c) George Norman, Seat 9, for a four-year term to expire January 15, 2018; and
- d) LaJuana Whitmore, Seat 1, for a four-year term to expire January 15, 2018.

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Contract Compliance Software: Extend contract C-36677 with B2GNow/AskReply, Inc. for three additional years, through October 31, 2017; and increase contract by \$180,000.

Solid Waste Information System (SWIS): Contract with Ardent Technologies, Inc. for \$450,000.

AmeriCorps Community Technology Empowerment Project (CTEP): Contract with St. Paul

MARCH 28, 2014

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NEW BUSINESS (See Rep):

CITY CLERK (277129)

Ordinance Introductions Report: Receive and File report; and Direct staff to delete from the Council's long-range agenda all ordinances previously introduced which lack current authors and to update legislative files.

FILED:

SEWARD COOP (277130)

Vacate portion of the north/south alley between 38th St E and 39th St E that extends from 38th St E south to approximately the southern property line of property 3808 Clinton Ave.

Official Posting: 4/5/2014 Corrections: 4/14/2014; 6/19/2014